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Revolution of Reforms: The Kingdom of Bavaria in the Napoleonic Era, 1799-1815

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REVOLUTION OF REFORMS: THE KINGDOM OF BAVARIA
IN THE NAPOLEONIC ERA, 1799-1815

A Thesis

Presented to

the Faculty of the Department of History

Western Kentucky University

Bowling Green, Kentucky

In Partial Fulfillment

of the Requirements for the Degree

Master of Arts

by

R. Scott Anderson

December, 1995

REVOLUTION OF REFORMS: THE KINGDOM OF BAVARIA
IN THE NAPOLEONIC ERA, 1799-1815

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TABLE OF CONTENTS

Introduction.....	1
Chapter	
1-Bavaria before the accession of Max Joseph IV.....	11
I-The Holy Roman Empire.....	11
II-Bavaria before 1799.....	21
2-Pushing the Envelope: Bavarian reforms before 1806....	34
I-The New Government.....	35
II-Bavaria and European Affairs, 1799-1805.....	46
III-Bavarian Internal Reforms, 1799-1806.....	71
3-Anchor of the <i>Mittelstaat</i> : Bavaria as part of the Rhine Confederation.....	87
I-Bavaria and the Napoleonic Empire.....	88
II-Bavarian Domestic Changes during the Empire.....	111
Conclusion.....	125
I-The End of the Napoleonic Hegemony.....	125
II-Bavaria and the Napoleonic Empire.....	129
Bibliography.....	134

REVOLUTION OF REFORMS: THE KINGDOM OF BAVARIA
IN THE NAPOLEONIC ERA

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For many years, scholarship covering the Napoleonic satellite kingdoms has centered on the overriding presence of Napoleon Bonaparte without looking a great deal at the kingdoms that supported him. Since the recent publication of Stuart Woolf's *Napoleon's Integration of Europe* the focus of study on these satellite kingdoms will change. Bavaria's history in particular needs to be examined, especially since a clear study will reveal much of Bavaria's modernization during these years was already underway before Napoleon assimilated it into his empire. However, much of that progressive policy would not have been enacted without Napoleon's protection.

This project therefore will represent an attempt to show that the reform policies of Maximilian von Montgelas and his lord, Max Joseph of Bavaria, were well underway before the advent of the Confederation of the Rhine, that Napoleon's dissolution of the Holy Roman Empire was

paramount to the success of Montgelas' policy, and that Bavaria's zeal for reform was tightly bound up with a new upper-middle class and was not a German nationalist movement as later historians have assumed. The answers to these questions will reveal much about the nature of reform and modernization in the German minor states and that the intellectuals of the early 19th Century had much less to do with these movements than is generally believed.

This project will rest on primary sources from the 1799-1815 period, primarily Montgelas' memoirs and much of the enormous material left by Napoleon Bonaparte and his ministers. Whenever secondary sources are used it will be the intent of the author to utilize primary quotations from within those texts as much as possible.

In the end, it will be seen that the "revolution" in Bavaria owed much to Napoleon but not its existence. Likewise it will be clearly seen that these reforms were undertaken by bureaucrats and not on the whole by the supporters of German romantic philosophers, and that Bavaria's allegiance was entirely local and had very little to do with any drive for German unification.

INTRODUCTION

"Quod nihil sit tam infirmum aut instabile quam fama potentiae non sua vi nixa."

--Machiavelli¹

It was neither sudden nor deliberate, yet, influenced by the Enlightenment, the French Revolution, and the coming of industrial power, there arose in late 18th-Century Germany a desire to remake the German political landscape. A revolution of thought, at times scarcely evident to contemporaries, initiated Germany's movement toward eventual unification. The first signs of change were evident during the reigns of Frederick the Great of Prussia and Joseph II of Austria, enlightened absolutists who desired to modernize their state, to do away with irregular political borders, outmoded allegiances and institutions regulated by the Holy Roman Empire, the antiquated *Reich*. By the time of the French Revolution, a modern *novus homo* arose--bureaucrats, advisors, diplomats, and businessmen who espoused liberal modifications to the existing body politique.

The Holy Roman Empire had been growing weaker since 1648, and the 18th Century presented men of ability with the opportunity to crusade for a new government. Popular response differed from state to state. Prussia, moving

¹"That nothing is so weak or unstable as a reputation for power that is not based on one's own forces." Niccolo Machiavelli quoting Tacitus, *The Prince*, (London: Penguin Books, 1961) 87.

toward dominance in German affairs, readily embraced the "new man," utilizing the skills of such reformers in administrative posts. Austria, the conservative bulwark and champion of Holy Roman affairs, was less enthusiastic about the desires of such a class. In the minor states, however, these leaders would fundamentally and permanently alter the official order. They represented the political heart of the *Aufklärung* (Enlightenment), a drive for the removal of feudal ties and the superfluous institutions of Holy Roman Empire, the development of a bureaucratic state, and, in the south, the removal of the Catholic hegemony.

Foremost in this revolt was the Electorate of Bavaria, fostered by her pro-French Elector, Maximilian Joseph IV of the House of Witteslbach and Pfalz-Zweibrücken, and led by a Savoyard minister, Max Joseph von Montgelas, the Elector's closest advisor. Assembling an ambitious group of reformers, Montgelas would assault the *status quo* with the tacit approval of his liege. Their designs were twofold: to modernize the Bavarian government and to assume a more powerful position in European affairs. Bavaria's social and economic circumstances created the need for reform. The country languished in feudal petrification. Finances were ruined by years of ineffective rule by nobles and clergy. Typical of European markets in those years, the economy rested on the twin pillars of agriculture and textiles. Neither received the attention they required from the

existing government, and both were burdened with outdated techniques and a Catholic refusal to allow more progressive Protestant entrepreneurs into the state. Montgelas' group wanted a complete renovation of the government and a reformation of church-state and church-society relations. Their capstones were advancement and recognition by merit. If a modern government could become a reality, then perhaps their second goal would be achieved, to rescue Bavaria from the international morass in which she was mired.

Time and again in European history certain nations have been relegated to "second-class" powers. Bereft of the diplomatic, military, and economic power of the Great Powers, these states were rendered subservient and dependent on those nations which attempted mastery of the continent. The quintessential "second-class" power, Bavaria greatly desired to be her own master in European affairs. She had long played the pawn of foreign powers, especially in conflicts between Austria and France. Unable to muster the resources or reputation to influence the other powers, Bavaria's history is nonetheless a long struggle for legitimacy and for power based on her own internal stability, aggressive economy, modern government, and military force.

The manner in which Bavaria accomplished this modernization on her own has been debated by contemporaries and historians. Daniel Klang opens his article "Bavaria and

the War of Liberation" with a discussion of Baron Stein's September 1809 letter to the German nationalist Friedrich von Gentz in which he declared his opinion that Prussia and all of Germany would prevail over Emperor Napoleon I and his *Grande Armée*. With Napoleon's fall, the petty princes of those minor states revolving about the French sun like mindless satellites would find their support and thus their legitimacy destroyed. According to Stein the French-dominated Confederation of the Rhine was a paper tiger that lived or died according to the whims and successes of its French master. This prevalent view, Klang went on to say, dominated the histories of the period written up to about World War Two.² Since that time, however, a historiographic reaction has occurred. Recent works, mostly by European scholars, posited that Bavaria's actions represented a grass roots movement among German reformers which would have occurred without outside influence. To whom the credit should go for the varied successes of reform, however, is blurred by the impact of the Napoleonic Wars and the massive social and political changes of that time. In the light of such recent works as Stuart Woolf's magnificent *Napoleon and the Integration of Europe*, the idea that Bavaria needed assistance for her reforms to succeed needs to be qualified.

The issue of how Bavaria became a modern state and to

²Daniel Klang, "Bavaria and the War of Liberation, 1813-1814," *French Historical Studies*, vol. 4, 1965, 22-24.

whom the credit goes is not a clear case. Montgelas and his lord of course deserve great commendation, though the ambitious minister is certainly not renowned in his own land today.³ To their list of successes can be attributed the new bureaucratic administration, a reformed education system, a French-inspired but not French-initiated Constitution, and a program of fairly successful religious toleration, the cornerstone of the minister's reform. What they could not achieve on their own was the destruction of the Holy Roman Empire, which meant the Imperial circles, the *Reichsritterschaft*, and, most importantly, the Imperial free cities; the reform of the Bavarian army into a mobile, operational body capable of succeeding on the modern battlefield; the complete reorganization in geographic terms of Bavarian domains and their consolidation into one contiguous state; and, of course, a degree of legitimacy and strength in international affairs.

In many aspects Montgelas' policy represented a successful revolt rather than a revolution. Missing was the crucial aspect of popular support of the masses, who instead showed overtly passive indifference to the changes in their land. However, true to the revolutionary rule of measure established by Crane Brinton in his magisterial *The Anatomy*

³"He was the friend of Germany's enemy and the enemy of Germany's religion," Klang, "Bavaria and the War of Liberation," 26. Klang notes that no prominent streets, parks, or government buildings bear Montgelas' name.

of Revolution, it was the disgruntled upper middle class who led the charge. The obstacles were great and, though the liberal leaders sometimes failed to act decisively, on the whole their work was a success. Indeed, the new Kingdom of Bavaria, which successfully if narrowly survived the tumult of the War of Liberation and the difficult beginnings of the German Confederation led by Prince Metternich after the Congress of Vienna, bore little resemblance to the backward electorate in the last years of the eighteenth century. The most remarkable achievement was perhaps the modern bureaucracy based upon advancement by merit. Yet if it is to be classified as a revolution it was an incomplete one, much more of a government and ecclesiastical reformation. The change was not complete; neither was it a democratic affair. But change it was, and the impact was not lost on the affairs of Germany during the next few decades. "If we judge them by what they promised," writes James Sheehan,

...Montgelas, Reitzenstein, and the rest appear to be no more than qualified successes, but when we bear in mind their slender resources, the pressures imposed upon them from abroad, and the opposition they faced at home, the scope and significance of their achievements seem impressive.⁴

The timing of this change was auspicious. Carried eastward by French bayonets, the ideas of *liberté*, *fraternité*, and *égalité* met with approval by the bureaucrats

⁴Sheehan, James J. *German History, 1770-1866*. (Oxford: Clarendon Press, 1989) 273.

in the burdened *Mittelstaaten*. Certain aspects of Montgelas' program would have gone forward without the French Revolution. Elimination of the church's temporal power, deeply embedded in the beliefs and practices of the citizens through Catholic control of education, stood as a major internal barrier to reform, one which could not be removed without external help. Some elements of land reform, such as the removal of the outdated tax system, could be enacted by a purely domestic policy. Justice, education, industry, and most importantly administration could have been improved within the borders of the electorate without fear of external interference. Nonetheless, Bavaria needed France, for more than simple support against hungry Austria, ever desirous of annexing Wittelsbach domains. No, the dreams of Max Joseph and Montgelas became reality only after the rise of Napoleon Bonaparte.

Napoleon forced metamorphosis not only in domains under his immediate control but also in allied states. The changes introduced by the French conqueror allowed Montgelas greater potential for change. The liquidation of the Holy Roman Empire and its strangling system of obligations removed many obstacles. Acting as a catalyst for further action, it broadened the scope of Montgelas' administration. Church lands belonging to untouchable orders, such as the Teutonic Order or the Knights of Malta, suddenly lost

crucial foreign support, facilitating their confiscation by the Bavarian government. Imperial cities, islands of political disobedience and monuments to the lingering durability of the *Reich*, lost their legitimacy, as did the *Reichsritterschaft*, the Imperial nobility, but neither could be dealt with successfully without Napoleonic influence.

Thus Napoleon's role in the Bavarian reforms needs reevaluation. To be sure, military and economic demands by the French empire would ensure a degree of modification. The Confederation of the Rhine, Napoleon's great eastern buffer of twenty-three major and minor states, would impose certain obligations, most of them martial in nature. The Code Napoleon would be put into effect with varying success, but Bavaria, like Baden, Württemberg, and Saxony, was allowed a great deal of leeway in governing its own affairs. Of great importance would be the Continental System enacted to stagnate the British economy. The ramifications of Napoleon's economic war would effect Bavaria more than Montgelas' own fiscal arrangements.

In addition, it must be recalled that not all of these achievements came as a result of conscious action. 1813 and the dilemma Napoleon's defeat presented to French-allied Bavaria illustrates this well. Max Joseph's regime had associated itself with Napoleon in the first place as a course of necessity, demanded by French dominance, the encroachment of Austria, and Bavaria's inability to make

itself a first rate power. The War of Liberation presented a new problem, namely that the French conqueror was about to suffer defeat. Montgelas displayed impotence during the dilemma and only through the machinations of the Francophobe General Wrede and the policy of Prince Metternich did Bavaria forego a restoration. Royal policy certainly did not call for the realignment; it simply occurred. Montgelas' work offered the country a new international legitimacy. The state that emerged after the Congress of Vienna was not the one envisioned by Max Joseph and his ministers, but it would survive.

So, the Kingdom of Bavaria, as it existed in 1815 at the close of the Napoleonic Period, owed its development to the ambitions of the new "nobility," the willingness of its monarch, the courage and determination of the Savoyard minister, and the indirect influence of Napoleon Bonaparte, his victories and defeats. Stein's accusations that Bavaria owed its existence to France, seconded by Heinrich von Trietschke's historical attack later that century, was not accurate, but neither did Bavaria do it all alone. The truth, as in many things, lies somewhere in between.

There are dangers in establishing convenient chronological classification focusing on short periods of time. Nonetheless, to explain this initial stage of German "proto-nationalism," it is necessary to divide the reform movement in Bavaria into three distinct parts: 1799-1805,

the electoral period, 1805-1812, the royal period, and 1812-1818, the reaction period and the War of Liberation. The latter period is outside the scope of this study, but the first two encompass the zenith of Montgelas' reform policy. The electoral period is characterized by massive and disorganized reforms and by external political affairs which involved two wars, the disintegration of the Holy Roman Empire, and the maturation of Napoleonic military dominance. The royal period is marked by more reserved and careful reform, a complete codification of those reforms, and the integration of Bavaria as the largest of the Napoleonic allied states. Both periods show Bavaria's inability to exercise relative independent action but also the establishment of a solid government system which allowed her to be the last German minor state to maintain her independence in the 19th Century.

Chapter 1

Bavaria before the accession of Max Joseph IV

In those days, princes were not overworked mortals as they are today. Their crowns sat very firmly on their heads, and at night they just drew their nightcaps over them, and slept in peace, while peacefully at their feet slept their peoples; and when these woke up in the morning they said 'Good morning, Father,' and the princes replied, 'Good morning, dear children.'

--Heinrich Heine¹

I

The Holy Roman Empire

In order to fully understand the extent of the successes and failures of Max Joseph's administration in reforming the Bavarian state, an overview of that which was to be overthrown is necessary. The Holy Roman Empire, outmoded and decayed though it was, stood at the heart of the matter. Years of increasing princely authority, enlightened thought, and bloody conflict sapped the vitality of the Germanic body. Changes in the very definition of European nationhood crippled the empire's ability to operate in the arena of international affairs. Since the Wars of Louis XIV, the modern state dominated European diplomacy, and the Holy Roman Empire was anything but a state. It had no true center, capital, or focus of unity. Sovereignty,

¹Heinrich Heine on the Holy Roman Empire, quoted in Jean d'Arenberg, *The Lesser Princes of the Holy Roman Empire in the Napoleonic Era*, dissertation, (Washington D.C.: Georgetown University Press, 1950) 197.

absolutist or enlightened, did not reside in a single person or office. Therefore, there could be no centralized position of strength from which the Empire could negotiate. Immutable, diverse opinions in law, justice, education, and military service sundered the councils which assisted the Emperor and the legislative bodies. The various member states, numbering over two hundred, were subjected to irregular boundaries and overlapping jurisdiction on the Imperial and local levels. In addition, the smaller rulers refused to follow the Emperor's lead. Thus, loyalty to the *Reich* was measured in partisan aspirations.

The "constitution" of the Holy Roman Empire provided for the flawed foundation of the *Reich*. This constitution was in reality a conglomeration of policies, traditions, edicts, and negotiated settlements. It combined medieval caesaropapism, which no longer applied in many kingdoms of the *Reich*, with Germanic concepts of authority and submission. The "constitution" included such documents as the Golden Bull of 1356 (establishing the largely defunct electoral system), the Eternal Peace of 1495, the Treaty of Passau (1552), the Peace of Augsburg (1555) and the all-important Peace of Westphalia (1648).² The *de facto* law of the *Reich* was also burdened by other less famous Imperial

²John Gagliardo, *Reich and Nation: The Holy Roman Empire as Idea and Reality, 1763-1806*, (Bloomington: Indiana University Press, 1980) 16.

proclamations, Papal Bulls, and local decrees. This ramshackle constitution was incapable of adapting to new forces unleashed by the Enlightenment and the French Revolution. The inconsistencies and peculiar ideas defy easy historical summary and make comparisons with other states difficult if not meaningless. Ideas concerning the rights of the sovereign, his ties over the land, and the multifaceted legislation to which they were nominally linked were peculiar to Germanic law and cannot be easily translated. Embedded within the political ideology of the constitution and the Empire was the venerated concept of *Herrschaft*, defined by Otto Brunner as a type of authority combining political, economic, and social powers, embodied in the various political territories (*Land* or *Lander*) of the Reich, an authority located in the person of the lord, or *herr*. Such power belonged to each sovereign and was considered to allow absolute command over the citizens, resources, and wealth of the *Land*.³ From the Imperial throne to each duke or baron, *herrschaft* defined his absolute authority inside his own realm, at least in theory. The greatest *herr*, again in theory, was the *Reichsoberhaupt*, the Holy Roman Emperor.

³Sheehan, *Germany*, 25; Otto Brunner, *Land and Lordship: Structure of Government in Medieval Austria*, 4th edition. (trans. from *Land und Herrschaft* by H. Kaminsky and James V.H. Melton), (Philadelphia: University of Philadelphia Press, 1984) 365-368.

Though his power was greatly curtailed, as head of the diverse institutions of the *Reich* the emperor still maintained some say over the procedures of the empire, usually with dubious effect. Between the years 1438-1805, the Austrian House of Hapsburg dominated the position. At the time of the French Revolution, the powers of the emperor remained largely feudal and increasingly weak. Income for the Holy Roman coffers originated from gifts at coronation, fines from the Imperial courts, taxes from the Imperial free cities, and payment for noble titles and feudal assessments. As John Gagliardo notes, the emperor was forced to depend upon his hereditary lands for necessary income. The disastrous, ephemeral reign of the single non-Hapsburg Emperor, the Wittelsbach Charles VII of Bavaria (1742-1745), markedly shows the weakness of this arrangement. Charles attempted a vast reorganization of the Holy Roman Empire, but Bavarian coffers were insufficient for the task and the attempt failed miserably.⁴ Intense partisan pressure from constituent states often led some emperors, such as the ambitious Joseph II of Austria, to consider giving up the crown altogether, since many Imperial responsibilities ran contrary to the interests of Austria itself.⁵

⁴Gagliardo, *Reich and Nation*, 20-21.

⁵Sheehan, *Germany*, 16.

The institutions through which the emperor could wield his ungainly and diminishing power remained ponderously slow and complex. The official legislative body of the Holy Roman Empire, the *Reichstag*, was convoked only by the emperor. Its motto, "Reichsrecht brecht Landesrecht,"⁶ was only rarely true by the time of the French Revolution. In fact, this body, though convened in Regensburg in the "Eternal Diet" (1663-1806), was, like the *Reichsoberhaupt*, hardly more than symbolic. Whatever vestiges of power it retained were hindered by its breakup into three maladroit councils, that of the Electors (*Kürfürstenrat*), the Princes (*Fürstenrat*), and the Cities. The *Kürfürstenrat*, the only one to meet on a regular basis, consisted of the seven regular Imperial electors and was chaired by the Arch-Chancellor of the Empire, the elector of Mainz. It consulted with the emperor and was responsible for his election. Wayward interests on the part of the members curtailed the group's effectiveness. Instead of personally attending, the emperor frequently sent his *prinzipalkommisar* and the electors sent envoys.⁷ The particular interests of the members often conflicted, making consensus an impossible goal. Local desires dominated; Imperial needs became secondary. Important decisions were argued by

⁶Literally "Imperial law breaks territorial law."

⁷Gagliardo, *Reich*, 22-23.

plenipotentiaries who cared more for their rank than for the issues which that rank allowed them to debate. Ambassadors entrenched themselves in local interests, sacrificing dying tradition for territorial freedom.

A loose juridic system existed, but it too suffered from years of neglect. Two large Imperial councils served the emperor himself, the Imperial Cameral Tribunal, burdened in 1780 by over 60,000 backlogged cases,⁸ and the Aulic Council (*Reichshofrat*). The latter consisted of *herrenbank* (nobles) members of the *gelehrtenbank*, the legal community of the *Reich*. Intelligent, educated, made up of members of the most important noble families, the Aulic Council commanded respect despite its rather vague duties. The council largely replaced the *Kürfürstenrat* as the emperor's personal advisory body in the late 1700's, performing many legislative and administrative tasks in addition to hearing appeals from lower courts and the Imperial Diet. If, as James Sheehan proposes, all that remained of the empire was pomp and circumstance, a rigid adherence to symbolism which has been a time honored tradition among the *Volk*, the Aulic Council stood as the last bastion of Germanic belief in the Holy Roman Empire.⁹

⁸*Ibid.*, 27.

⁹Sheehan, *Germany*, 18.

Existing political boundaries complicated the administration of the *Reich*. Due to Germany's patchwork geography, a duchy would frequently overlap a neighboring barony, with some territory belonging to one *herr* completely surrounded by lands belonging to another. Imperial administrative districts, the eight *Reichskreise* or Imperial circles, combining legal, administrative, and financial aspects, along with medieval military commitments, complicated the existence of the Empire to the point of making any decisions of the Imperial government impossible to uphold. These circles held little or no resemblance to the geographical polities of Germany. Each had their own laws. Not only, then, would a duke find a town under his rule completely engulfed by lands of his neighbor but also his town may well have been included in an entirely different *kreise*, involving a completely new set of laws and codes by which he must adhere. Often such towns would carry on their own business, either heedless of the lord's wishes or ignored by him. Thus, from the top to the bottom, through law to geography, the Holy Roman Empire so chided by the caustic Voltaire was bereft of all physical substance. "Imperial institutions," wrote Sheehan, "were a labyrinth of overlapping jurisdictions and special privileges: they had

no well-defined center, just as the *Reich* itself had neither a capital nor a single source of sovereignty."¹⁰

However, despite the fact that the Germanic body was unwieldy and outdated, the political symbols of the Holy Roman Empire remained important to certain elements which stood in the way of progress. Ancient institutions contained one viable characteristic, one reason for the continuation of the existence of the *Reich*: sanctuary. The old nobility, the conservative order which had so much to lose from the threatening tide from France, held onto its highly symbolic institutions far after they had become politically impotent. These were the only strongholds remaining to those who held dear, for personal reasons, the symbolism of the *Reich*.

Two imperial traditions most deplored by ambitious minor states were the group of nobles known as the *Reichsritterschaft*, the Imperial knights, and the Imperial free cities. Noble families long ensconced in the network of the *ancien regime*, the knights included many landless barons and counts and in some instances owners of large tracts of land. The *Reichsritterschaft* found its greatest strength in the Protestants of the north. Split into three geographical groups, Bavaria belonged to two of these. The Franconian and Swabian knights numbered 360,000, owning 688

¹⁰*Ibid.*, 15.

estates in Swabia and 702 in Franconia, thus making up a sizable portion of the population.¹¹

The fifty-one Imperial free cities attempted to make themselves an exclusive group, exercising vigorous laws to decide just who could live within their boundaries. Though they remained one of the emperor's only taxable citizenry, the rights and favors enjoyed by these cities far outweighed the responsibilities. They answered directly to the Aulic Council or the emperor and had greater leeway in regards to law and military service. The emperor considered the *Reichsritterschaft* and the Free Cities as his personal nobility, giving his empire, as it were, a certain viability. Both would hold fast to the lingering embers of the empire. Combined assaults by eager minor states and the burgeoning Napoleonic Empire would finally destroy them.

Perhaps only the vague concept of nationalism, a nascent movement directed by loyalty to one's own state, could possibly have given the Holy Roman Empire the legitimacy it needed to stand the test. But the Holy Roman Empire was not true state, a prerequisite for the growth of nationality. Institutions and symbols did not suffice. In addition, the early reform movements exhibited more loyalty to the local prince than loyalty to Germany as a whole. The time of Bismarck, when for the first time many Germans

¹¹d'Arenberg, *Lesser Princes*, 14, 81-82.

thought of their state as a true embodiment of the Germanic spirit, was still far in the future. As it was, the growing loyalty representing the earliest forms of German nationalism, as expressed by Montgelas for Bavaria and Reitzenstein for Württemberg, would be a primary factor in dismantling the Empire. Similar loyalties could not be fostered within the ancient institutions. Bavarians could no more want to be members of the *Reich* than members of "Germany." For the time, they were simply Bavarians, though proud of their German ancestry, just as Württembergers were from Württemberg and Saxons from Saxony. The Holy Roman Empire did not hold sufficient liberties nor efficient enough government to hold the loyalty of the German people. Because of this weakness, the *Reich* proved easy prey to Napoleonic imperialism.¹²

¹²H.A.L. Fisher, *Studies in Napoleonic Statesmanship: Germany*, (Oxford: Clarendon Press, 1903) 7-8; Heinrich von Treitschke, *History of Germany in the 19th-Century*, 6 vols. (New York: AMS Press, 1968) I:250. Michael Hughes states that the empire acted as an inhibitor to nationalism, the only thing that could, theoretically, save it. See Hughes, *Nationalism and Society*, (London: Edward Arnold, 1988) 29-31.

II

Bavaria before 1799

Bavaria, as the third largest German state, stood much to gain from any possibility of change. The *herrschaft* over Bavaria belonged to the House of Wittelsbach, the twelfth ancient family of the Holy Roman Empire, founded in 1180. In 1799, the electorate proper was, like many other German dominions, divided up into parcels of unequal size. Comprising nearly 1,200 of Germany's 12,000 square miles, Bavaria was the largest of the *mittelstaaten*. It contained around 2.1 million inhabitants, one-sixth of Germany's total. Bavaria as a political entity included Upper and Lower Bavaria, the Upper Palatinate in the Danube valley, the detached possessions of the Rhine Palatinate, and the Duchies of Zweibrücken, Jülich, and Berg. The Wittelsbachs controlled both the Bavarian electorate and the Electorate of the Palatinate.¹³ Astride the primary military route for contending Austrian and French forces, Bavaria frequently found itself a battleground. The electorate's geographical

¹³Maximilian Joseph Grafen von Montgelas, *Denwürdigkeiten des Grafen Maximilian Joseph von Montgelas über die innere Staatsverwaltung Bayerns (1799-1817)* (In French as *Compte Rendu*), (Munich: C.H. Beck'sche Verlagsbuchhanlung, 1908) 27-28. Montgelas' memoirs are contained in two works, the first covering foreign policy and the second concerning domestic policy. To avoid confusion, the second work will be referred to hereafter as *Compte Rendu*; C.P. Higby, *The Ecclesiastical Policy*, 14-21. See also W.R. Lee, *Population Growth, Economic Development, and Social Change in Bavaria, 1750-1850*, (New York:Arno Press, 1977) 12.

position at the head of the Upper Danube gave armies access both to the Danube Valley and the Vienna region, the heart of the Hapsburg lands, but also parts of Upper Germany and, to the west, the upper Rhine River and Palatinate. Thus, as C.T. Atkinson declared, Bavaria could be "either Austria's stoutest bulwark or the most useful ally to her enemies."¹⁴

The history of Bavarian foreign policy illustrates this point. Wittelsbach rulers carefully negotiated the line between the perils of independence and the incapacitation of foreign domination. The desire of the House of Hapsburg-Lorraine, ruling from nearby Vienna, to annex the Bavarian lands is well-documented. On several occasions since the Treaty of Westphalia the Austrians tried to bring Bavarian lands under their control, seeking to augment the German speaking majority in Austrian territory and intensifying their involvement in German affairs. Bavarian rulers traditionally utilized alliances with France as protection against their powerful neighbors down the Danube Valley. Starting with Elector Max Emmanuel (1679-1726) and the War of the Spanish Succession, the 18th Century saw frequent treaties and alliances between the Bourbon nation and Bavaria. This "friendship" was strained at times,

¹⁴C.T. Atkinson, *A History of Germany, 1715-1815*, (New York: Barnes & Noble, 1969) 364. Paul Bernard notes astutely that in the campaigns of 1703 and 1741 it was from Bavaria that Austria had been invaded. See Paul Bernard, *Joseph II and Bavaria: Two 18th-Century Attempts at German Unification*, (The Hague: Martinus Nijhoff, 1965).

especially when Austria offered France its agriculturally wealthy and densely populated possessions in the Netherlands in return for the Bourbon's official nod on the annexation of Bavarian lands.¹⁵

The jumbled lands under Bavarian authority were divided first into *Rentämer*, or *Regierungen*. These administrative districts were further subdivided into *Pfleggerichte*, which normally did not include cities, monasteries, or the lands belonging to nobles or knights. This arrangement made each *Pfleggerichte* irregular in shape, often completely engulfing cities and towns. The magistrate, or *pfleger*, was responsible for the levying of taxes, meting out justice, and policing his small sub-district. The government set their incomes at 1500 gulden per year, but their tax-levying ability allowed them to draw much more through graft. The electoral government had the theoretical power of assigning deputations to look for abuses, but the existing replacement system for the *pfleggerichte* made conviction improbable,

¹⁵*Ibid.*, 25, 45-46, 121-127, 310, 438-439; Gagliardo, *Reich and Nation*, 69-71; On French-Austrian negotiations to exchange territory during the French Revolution, see Sydney Seymour Biro, *The German Policy of Revolutionary France*, (Cambridge: Harvard University Press, 1957). Bavaria frequently looked to the Hohenzollerns of Prussia for support as well, causing alarm in France and Austria over the idea of a joint Hohenzollern-Wittelsbach domination of the Holy Roman Empire.

because the outgoing magistrate appointed a successor, who in turn was responsible for his prosecution.¹⁶

Coupled with the economic limitations and the ineffective government was the Roman Catholic Church. Though the Reformation and the Thirty-Years War had done much to reduce the power of the Holy See in many corners of Germany, here, in the south, the Catholic church stood as a great edifice of conservatism, the symbol of the *status quo*. The ascendancy of the Catholic church remained as strong as in the time of Martin Luther. Indeed, in 1782 the ex-Jesuit Papal nuncio Cramer declared to the Pope that heretics had slipped into every part of Germany save Bavaria.¹⁷ Cramer went so far as to declare Munich a "German Rome."¹⁸ Each bishopric had its own rules concerning the education of the populace and the jurisdiction by which certain crimes would be adjudicated. A traveller in Bavaria declared "...he who could see things as they are, and would trace every intrigue back to its origin would find the first moves of the machine in a monk's cowl or a petticoat."¹⁹ Montgelas recalled

¹⁶Higby, *The Religious Policy*, 30-32; Montgelas, *Compte Rendu*, 13-14. Some *pfleger* were Imperial Knights, doubling their protection from removal.

¹⁷Higby, *The Religious Policy*, 34.

¹⁸Harold C. Vedeler, "The Genesis of the Toleration Reforms in Bavaria under Montgelas," *The Journal of Modern History*, vol. X, no. 4, Dec, 1938, 474.

¹⁹J.K.Riesbeck, quoted in Higby, *The Religious Policy*, 29.

Lors de l'avènement de votre majestie la religion catholique étoit exclusivement dominante dans les duchés de Bavière, de Neubourg, du Haut-Palatinat, les possessions de la maison palatine en Souabe. C'étoit la seule dont l'exercice public fût autorisé, dont les membres pussent exercer des emplois.²⁰

Various portions of Bavarian land fell under the boundaries of nine different diocese, none fully within the electorate. The Catholic clergy numbered 3,179 secular and 3700 parochial, discounting the great number of supplicants and monastics in the many monasteries and abbeys throughout the land. Some of these monasteries enjoyed rights similar to those of the *pfleger*: taxation, justice, and police.²¹ Church and state were completely intertwined. Many clergymen held important posts in the government, and secular officials served on a series of ecclesiastical boards or colleges. The jurisdiction of these political entities varied. Some controlled education, others censorship, and others the economy. The Catholic dominated collegiate boards were in charge of mines, industry, timber, and the minting of coinage. These cumbersome councils were responsible to the elector as well as other allegiances,

²⁰Montgelas, *Compte Rendu*, 116.

²¹Higby, *The Religious Policy*, 31, 50-52. These dioceses were those of Sulzburg, Passau, Regensburg, Freising, Augsburg, Eichstaedt, Bamberg, Chiemsee, and Constance.

such as to Rome or Vienna. Leadership was always divided, each member possessing an equal vote.²²

Catholic theology guided nearly everything. Though relations between church and state were at times strained, even during the reign of Karl Theodor, the sheer longevity of their power, cemented fast to the state by the Concordat of 1583 and amended by a long string of electoral edicts,²³ made the idea of reform a distant dream, embraced by a few. Just as in times past, Catholics remained skeptical of liberalism, the Protestants, and foreigners. The College for the Censorship of Books banned all works by Weiland, Lessing, and Frederick the Great.²⁴ Catholic mythology, holy symbols and statues, and feast days predominated in every town and village. Leaders of the ancient faith prohibited freedom of the press and stifled economic growth by restricting ties with non-Catholic business partners.

Education was the stronghold of the Catholic establishment. Though an Academy of Science had been founded in Munich in 1759 during the electorate of Maximilian Joseph III, most Bavarian schools lagged far behind those of neighboring states. Dogma and Catholic ideology dominated the curriculum. Local clergymen

²²Ramm, *Germany, 1789-1919: A Political History*, (London: Methuen & Co., 1967) 4-5.

²³Montgelas, *Compte Rendu*, 117.

²⁴Higby, *The Religious Policy*, 40-41.

responsible for the majority of the schools were underpaid and the schools poorly financed. An exasperated Montgelas wrote, "Ce système fit beaucoup de mal: l'éducation avoit déjà fait trop de progres pour qu'elle n'eut pas produit quelques sujets distingues."²⁵ During the 18th Century, the Wittelsbachs fought a losing battle to encourage the citizenry to learn German properly, and it was believed that not all the people spoke the German language, much less read it.²⁶ Some bishops attempted cooperation with the laity to bring about progressive education, but for the most part Catholics represented the past, out of touch with the evolving world. Hope of change remained distant. Karl Theodor, though no great friend of Catholics, helped foster a government in which they could remain in power. His policy in turn aided the Catholics in keeping out the Protestants who, though it must not be overstated, possessed ideas about education which were much more progressive than those of their counterparts.

Catholic leaders continued to enforce the 1524 decision outlawing Protestant faith in Bavaria. Punishment for heresy could be very stiff, with the guilty subject to fines, floggings, banishment, confiscation of property or

²⁵Montgelas, *Compte Rendu*, 121.

²⁶Hughes, *Nationalism*, 20.

even beheading and burning at the stake.²⁷ It was believed only three official Protestants lived in Munich in 1799. The evangelical faith, where it existed, had to worship in private, usually in the homes of the small congregation. The construction of churches was forbidden. Safe areas, as established by Imperial law or by the whim of local lords, existed in the duchy of Sulzbach and the lordships of Pyrbaum, Ortenberg, and Sulzburg.²⁸ Though many Protestant industrialists wanted to invest there, legal barriers prevented economic opportunity. Lifting of outmoded restrictions and loosening the hold of the Catholic clergy would be a cornerstone of Montgelas' religious reforms.

Catholic hegemony weighed heavier on another group, the ever-persistent Jews of Bavaria. Since their expulsion by Albert V in 1553, their restrictions surpassed that even of the Protestants. More severe indictments, including heresy, were usually reserved for those of Jewish faith. Synagogues had to be carefully hidden in the private homes of individuals since public worship, just as in the case of Protestants, was prohibited. Most Jews could not even remain within Bavarian borders; those with business in Bavaria were issued a pass good for a few days or weeks. They were confined to ghettos, except in Munich, but even

²⁷Higby, *The Religious Policy*, 34-36.

²⁸*Ibid.*, 42; Vedeler, "The Genesis of Toleration..." 474.

in the capital their actions were carefully observed. They had to wear distinctive dress, were prohibited from public posts, most domestic jobs, and all guilds. They could neither buy, rent, nor sell land. To foster their diverse businesses, the Munich government allowed the peddling of their wares two days a week from specified inns across the countryside, and these merchants were subject to scrutiny and a demanding poll tax. Any effort to lift these restrictions before the accession of Maximilian Joseph IV had been forcefully denied.²⁹

Reform might have been possible under an enlightened leader, but until 1799 Bavaria never enjoyed such rule. From 1777 to 1799, Karl Theodor presided over this ramshackle arrangement. Succeeding his more moderate brother, Max Joseph III (1727-1777), this elector was disliked by the small, ambitious middle-class, the Hapsburg government yearning to absorb Bavarian lands, and the Catholics. The wavering leader seemed incapable of decision. Vergennes, France's minister for foreign affairs under Louis XVI, described Karl Theodor well:

Although by nature intelligent, he has never succeeded in ruling by himself; he has always been governed by his ministers or by his father-confessor, or (for a time) by the electress; This conduct has increased his natural weakness and apathy to such a degree that for a long time he has had no opinions save those inspired in him by his entourage. The

²⁹*Ibid.*, 43-49; Vedeler, "The Genesis of Toleration..." 475-478.

void which this indolence has left in his soul is filled with the amusements of the hunt and of music, and by secret liaisons, for which His Electoral Majesty has at all time had a particular penchant.³⁰

Epitomizing the image of a decadent king, Karl Theodor was pompous and extravagant. He sold privileges and titles and became involved in all manner of licentious affairs. Despite a firm friendship with the Pope, he had frequent spats with powerful bishops within his lands. At the time of his death he had nearly bankrupted the state.³¹ And in many ways, the administration mimicked the vices of the elector.

The Bavarian government was a leftover from medieval days, rife with corruption, controlled at all levels by petty nobles and Catholic leaders. Once again the political geography of the state crippled the effectiveness of the government. The Wittelsbach land was divided into three independent administrations: the Palatinate, Berg, and Bavaria proper. Within these three provinces existed a semblance of government function: a court of appeals, a presidential council, ecclesiastical colleges, minor courts, and a military establishment.³² Most important were the

³⁰Quoted in J.C. Easton, "Charles Theodor of Bavaria and Count Rumsford," *Journal of Modern History*, vol. 12, 1940, 145-146.

³¹*Ibid.*, 147; Higby, *The Religious Policy*, 74-80; See also Montgelas, *Compte Rendu*, 117-122.

³²Montgelas, *Compte Rendu*, 12.

executive and legislative bodies, which fell under the direct jurisdiction of the elector. Karl Theodor exercised his personal influence in the administrative councils in the Palatinate, for he hated Munich and only reluctantly went there to rule.³³

These councils met together under the suzerainty of the elector or his representatives to discuss matters of import. Karl Theodor's own administration, when it did convene in Munich, included a Minister of Finance, an attaché-minister for affairs in Upper Palatinate, Neuberg, and Sulzbach, the Grand Chancellor of justice, police, and fiefs, a Minister of Foreign Affairs, and two ministers with no departments, nominally acting as advisors or special envoys of the elector.³⁴ For military affairs there existed a council of war, though Montgelas records the multiplicity of domains and demands for fealty to the Imperial Circles made the army relatively impotent.³⁵ The ministers met once or twice a week at the discretion of the elector. Most of the men

³³Easton, J.C. "Charles Theodor of Bavaria and Count Rumsford," 145-160. Though Karl Theodor was known as the Elector of Bavaria, the Electorate of the Palatinate was senior to that of Bavaria, and so, when he assumed the title in 1777, the electorate of Bavaria was absorbed into the Palatinate, where he spent most of his time.

³⁴Higby, *The Religious Policy*, 28. In 1778, this system of ministers had been revised to this arrangement, based on the idea of increasing the effectiveness of the ministries by allowing them to specialize in one area. See Ramm, *Germany*, 3-5.

³⁵Montgelas, *Compte Rendu*, 12.

appointed to these positions were friends of the elector, petty nobles or Imperial knights. Few possessed any experience or ability. The level of competence can be seen in the ex-Jesuit Father Lippert, one of the elector's closest advisors, whom Karl Theodor's cabinet secretary, Stephan von Stengel, described as "the most stupid, or rather the sole blockhead among all the Jesuits that I ever knew...a scandal mongerer of the first class and a most unblushing liar."³⁶

One exception, however, to this inept majority, was the British-born Benjamin Thompson, Count of Rumsford. As chief minister of Bavaria under Karl Theodor from 1784 to 1798, Rumsford was in some ways the vanguard of the approaching reform movement. Rumsford attempted some strategies that earned even Montgelas praise.³⁷ The British minister focused mainly on domestic reforms, some of them albeit superficial, such as the expensive beautification program in Munich, embellishing the capital by building the Englische Garten and refurbishing older buildings in a vain effort to please Karl Theodor. However, Rumsford did help suppress mendicancy in the country and abolish usury. Most importantly, he created special work-houses to occupy the

³⁶Quoted from Higby, *The Religious Policy*, 30.

³⁷Montgelas, *Compte Rendu*, 14. "Le comte de Rumford, à côté d'une grande énergie contre la mendicité et d'un établissement en grand pour l'industrie..."

poor. Though a far cry from a solution, these houses of industry helped lower the unemployment rate in the larger urban areas, an ever-present problem throughout the electorate.³⁸ These were, however, of limited success. On the whole the ministers of Karl Theodor exemplified all that was hated in the *ancien regime*--greed, corruption and inefficiency. Their time of ascendancy was at an end.

The political and social situation in Bavaria over which Karl Theodor presided did not exist in a vacuum. Around the far-flung lands of the electorate, great changes were afoot. The French Revolution and its sweeping ideology fostered an atmosphere encouraging to reform. The new government would waste little time harnessing the potential energy offered by the changing tide in Europe. And the new ministers who replaced the decadent advisors of Karl Theodor were visionaries of far greater vigor.

³⁸Easton, "Charles Theodor and of Bavaria and Count Rumsford," 155: Maximilian von Montgelas, *Denwürdigkeiten des Bayerischen staatsministers Maximilian Grafen von Montgelas, 1799-1817*, (Stuttgart: Verlag der J.G. Cotta'schen buchhandlung, 1887) 17, hereafter referred to as *Denwürdigkeiten*.

Chapter 2

Pushing the Envelope: Bavarian reforms before 1806

"We must deprive the Reichshofrat of the desire to exhibit its own impotence."

--Freiherr von Gravenreuth¹

"Je ne veux pas prendre la Bavière, je veux la manger!"

--Emperor Francis II to Ambassador
Nogarola on the announcement of the
Franco-Bavarian Alliance,²

Karl Theodor's death and the confirmation of his successor ushered in a new era in Bavarian history. The first six years of Max Joseph's reign would see a revolution in government affairs on behalf of absolutism. In foreign policy, Bavaria rarely was able to influence events. The 1799-1805 period saw the growing dominance of Napoleon's France; thus many of the changes enacted by Max Joseph's ministers necessarily occurred under a protective French umbrella. Internally, this period is characterized by rapid secularization of church lands and the permanent dissolution of Catholic ascendancy; rampant mediatization of minor states and aggrandizement of their territory; and a struggle against the recidivism of the nobility, the Imperial cities, and the *Reichsritterschaft*.

¹Quoted in Klaus Epstein, *the Genesis of German Conservatism*, (Princeton: Princeton University Press, 1975) 630.

²"I don't want to take Bavaria, I want to eat it!"
Quoted in d'Arenberg, *Lesser Princes*, 70.

I

The New Government

The succession to the Bavarian throne was not without difficulty. Just as at the death of childless Max Joseph III in 1777, the Austrians eagerly anticipated the demise of Karl Theodor, who in his many years failed to produce a male heir. Emperor Francis II greatly desired to accomplish what no other Hapsburg had, the annexation of the Wittelsbach lands. But the Bavarian house had many branches. From one of the smaller territories appeared the closest relative to the deceased elector, a man with a viable claim to succession, the Duke of Zweibrücken, Maximilian Joseph.

An ardent Francophile, Max Joseph's background gave him ample opportunity to sample French civilization. Born May 27, 1756, in the small town of Schwetzingen, he was the fourth child of the Austrian Field Marshal Frederick Michel Count of Birkenfeld. The father showed little interest in his son and shuttled him off to an uncle, Duke Christian IV of Deux-Points, the ruler of Zweibrücken. Trained in the schools of Alsace, learning both German and French, Max Joseph ultimately assumed command of a German regiment at Strasbourg, a unit itself subsidized by Louis XVI of France. Max Joseph took quickly to noble life, running up considerable bills for hunts, food, and clothing. "Le Prince Max était un bourreau d'argent," wrote the Baron of Oberkirch. "Le roi Louis XVI avait payé ses dettes (à

plusiers reprises, dont 945,000 francs en 1788)...."³ The young army officer continued a successful if peaceful career with French and German units. He married Princess Wilhelmine-Auguste of Hesse-Darmstadt, with whom he had three sons and two daughters. After her death he married the anti-French, Protestant Princess Caroline of Baden, distantly related to both the King of Sweden and the Czar of Russia. Upon the death of Christian IV, Max Joseph became Duke of Zweibrücken on April 1, 1795. After Karl Theodor's death, the ministries and legal estates of the *landschaftverordnete* (the permanent committee dealing with the rights of *herr* and *landrechte*) upheld his claim to the Electorate of Bavaria. With great excitement he assumed the title of Elector of Bavaro-Palatinate, February 20, 1799, as Max Joseph IV, and quickly moved to Munich.⁴

The new elector shared some of Karl Theodor's less respectable characteristics: love for the hunt, plays, operas, audiences with foreign emissaries, royal concerts and balls. He was vacillating at times, seemingly unable to focus his attention fully to the political matters at hand. When pressed, he wavered as long as possible, trying to move in the most advantageous direction at the right moment.

³Marcel Dunan, *Napoleon et l'Allemagne: Le système continental et les débuts du royaume de Bavière, 1806-1810*, (Paris: Librairie Plon, 1942) 49. Dunan quotes Baron d'Oberkirch from his memoirs.

⁴*Ibid.*, 50; Montgelas, *Denwürdigkeiten*, 8, 13.

Montgelas' accelerated reform programs, foreign affairs, and possibilities for land acquisition gave lease to Max Joseph's impetuosity. Despite the stabilizing influence of his wife, the elector remained true to the political traditions of the Bavarian state, looking to France whenever necessary for aid, leadership, and ideas.

Max Joseph IV enjoyed a considerable rapport with Napoleon Bonaparte. Though the Corsican, ignoring his own ancestry, thought the Bavarian elector and his wife less than polished, he gave them the same courtesy he extended to the other monarchs of Europe. The French conqueror's portrait of the pair was, despite his own personal displeasure at the elector's opulent tendencies, fair and quite illuminating:

The Queen of Bavaria was pretty. I liked very much being in her company. One day at the hunt the king had started off before me, and I had promised to follow him, but I remained chatting with the Queen for an hour and a half. That gave occasion for gossip, and roused the king to anger. When the Royal Pair met again, the King scolded the Queen. But she replied, 'Would you have me throw the Emperor out the door?' From that time on I had to pay dearly for this gallantry; for the King and Queen followed me on my journey to Italy in the winter of 1807, and I had them always around me. They had bad carriages which used to break down every moment, and I was obliged eventually to take them into my own. In Venice they were also with me. At bottom, I was not vexed, for now I had royalty in my suit.⁵

⁵F.M. Kircheisen, (editor), *Memoirs of Napoleon I: Compiled from his own writings*, (New York: Duffield & Co., 1929) 126. Also quoted verbatim in General Baron Gourgaud, *Talks with Napoleon at St. Helena* (trans. by Elizabeth Wormeley Latimer), (Chicago: A.C. McClurg & Co., 1904) 150-

Claude Francois Méneval relates another illuminating tale about the elector's nervousness. In late 1809, Napoleon, in celebration of his marriage to Marie Louise of Austria, invited Max Joseph and Caroline to Paris. While escorting the royal pair around Fontainebleau, privately touring the rooms built expressly for the new Empress, Napoleon led them into a dark, narrow flight of stairs, so close that the portly Max Joseph had to turn sideways to negotiate them. At the bottom, when no light was forthcoming and they stood in quiet darkness, the King of Bavaria suddenly cried out that there was going to be an ambush! Napoleon thought the entire affair very humorous, and the German prince's nervous exclamation did little to change Napoleon's faith in him.⁶

Publicly, Max Joseph radiated his love for France. "I ask you to communicate to the Directory that they have no more loyal friend than I," the elector proclaimed to a pleased French ambassador. "On the occasion of every French victory, I feel like a Frenchman!"⁷ Events in 1813 would later prove the limits of his loyalty as he led the mass German defection from the Confederation. However, for

151.

⁶Claude Francois Méneval, *Memoirs Illustrating the History of Napoleon I from 1802 to 1815* (ed. by Baron Napoleon Joseph de Méneval), 2 vols. (New York: Appleton & Company, 1894) II:268, 275.

⁷Sheehan, *German History*, 262.

a time he would become one of Napoleon's staunchest allies. Such a friendship would pay handsome dividends.

Max Joseph's popularity grew rapidly at home and abroad. He was affectionately called "*le Henri IV bavarois*" by his courtiers and political allies. Though not without enemies, especially in foreign courts, Max Joseph took great care to polish his image for his people.⁸ Desirous of changing the economic and social position of Bavaria, he did not have the patience, drive, nor, it would seem, the political nerve to do so. He was able, however, to pick excellent advisors, and fortunately there was a capable, industrious, and willing man with him who had the qualities to push ahead and effect real reform in the state. That adept administrator was Maximilian Joseph von Montgelas.

Born September 12, 1759, to a minor Savoyard noblemen, and the Countess of Trauner, Maximilian von Montgelas would become both a revered and hated figure in Bavarian history.⁹ Like his patron, Montgelas enjoyed a French education. His mother desired his entry into the clergy, but his father,

⁸Dunan, *Napoleon et l'Allemagne*, 50-51.

⁹Eberhard Weis, *Montgelas, 1759-1799: Zwischen Revolution und Reform*, (C.H. Beck'sche Verlagsbuchhandlung, München, 1971) is the only real biography of Montgelas, and it does not cover the period of the Electorate and Kingdom of Bavaria. Another work covering most of his political accomplishments is an early work by Doeberl, Ludwig, *Maximilian von Montgelas und das Prinzip der Staatssouveränität*. There are currently no English biographies of the statesman.

recently moved to Munich and serving as a Bavarian official, and who died a general in the Bavarian army, directed his son into politics. Montgelas studied at Freysing and Nancy, and upon his arrival at Strasbourg he enrolled alongside fellow classmates Metternich and Goethe in studies in diplomacy, history, and public rights.¹⁰ To complete his schooling he returned to Bavaria and the University of Ingolstadt. There he became loosely associated with the secret society known as the Illuminati, a covert liberal organization of scholars and bureaucrats desiring change in Germany. When this uncoordinated group was rooted out by Karl Theodor, Montgelas, himself only a minor member, was forced to flee. Too brilliant to remain unemployed long, he greatly desired to serve a Wittelsbach ruler, and so he came to Christian IV of Deux-Ponts in 1785, who employed the aspiring young politician as a minor official.¹¹ Aware of Montgelas' talents, when Max Joseph took control of Zweibrücken he offered Montgelas a position as Minister of Foreign Affairs. Montgelas also became the Duke's informal personal advisor.

¹⁰Dunan, *Napoleon et l'Allemagne*, 55-56.

¹¹*Ibid.*, 56; Daniel Klang, "Bavaria and the War of Liberation," 25-26; See also the chapter in Weis, *Montgelas*, concerning his involvement in the Illuminati. Montgelas was never deeply involved and the society itself was not a threat to any current monarch.

The new minister's devotion to Max Joseph was absolute, even when his zeal for reform threatened certain aspects of his lordship's sovereignty. "Ein privatmann kann sich aus einer Notlage durch arbeit und Aktivität wieder befreien," he wrote. "Für einen entthronten Souverän weiß ich jedoch keinen anderen gesicherten Ort als das Grab."¹² The two worked well together during their four years in Zweibrücken, conditioning their relationship for the task to come. Montgelas guarded his repartée with Max Joseph very carefully. An Austrian official, Steigentesch, wrote, "M. de Montgelas doit sa place et sa réputation à la paresse du roi et à l'habitude qu'a ce prince de le voir toujours à côté de lui. Son grand but est le plaisir; c'est au plaisir qu'il sacrifie tout."¹³

True or not, Montgelas had an ambitious mind and a driving personality. He was quick to embrace the ideas of the French Revolution. Montgelas "never failed for a moment to recognize that the young dynasty had everything to fear from the Hofburg and everything to hope from Napoleon Bonaparte."¹⁴ His goals, vast and challenging in number, revolved around the concept of total sovereignty, an absolute monarchy, invested in his patron, the Elector Max

¹²Letter from Montgelas to Max Joseph, September 14, 1798, quoted in Weis, *Montgelas*, 452.

¹³Quoted in Dunan, *Napoleon et l'Allemagne*, 56.

¹⁴Treitschke, *History of Germany*, I:211.

Joseph. Outspoken, he often announced his zeal for change: "On commençoit à désirer, à parler même ouvertement de réformes."¹⁵ To Montgelas the Holy Roman Empire stood as a monument of the dead past. Likewise the history of Bavaria gave testimony to missed opportunities. Thus he saw several obstacles to be overthrown before a progressive state could be constructed; the Holy Roman Empire and its institutions, the awkward and medieval constitution of the state, the nobility and their privileges, the entrenched position of the Catholic church, and the sluggish economy would be the foes he generally assaulted. The nobles in particular earned his ire. Their hereditary privileges, as opposed to the rights of middle class industrialists or the poor, could not, Montgelas believed, be justified in a modern state.

To launch his revolution, Montgelas would need a qualified group of electoral ministers. Once ensconced in Munich, he wasted little time. Less than two weeks passed before all of Karl Theodor's entourage had been summarily dismissed. Father Lippert and the rest recieved their pensions and dismissals by February 29, 1799.¹⁶ An edict four days previous organized the *Staatconferenz*, establishing four ministries to run the electorate. Montgelas' chosen men were of the new bureaucratic elite

¹⁵Montgelas, *Compte Rendu*, 102.

¹⁶Higby, *The Religious Policy*, 102-103.

drawn from the ranks of businessmen, lesser nobles, entrepreneurs, lawmakers, scholars, and professionals. This class was just beginning to define itself through its hard work and support of capitalism, the exact ideals promulgated by the new Savoyard minister.¹⁷ The contribution to reform in Bavaria by the new ministers would be manifold. Their labor and dedication aided them in creating a working bureaucratic state. Their business and academic ties transcended the boundaries of the state, bringing in international trade and more dynamic ideals. Similarly their greatly pro-Protestant attitude encouraged the growth of a nascent, embryonic capitalism traditionally fostered by the evangelical faith.

Montgelas assumed leadership of the Ministry of Foreign Affairs. Henri Thoedor, comte Topor Morawitzky, a learned scholar, former director of the Munich Academy of Science, and the youngest member of the Aulic Council in history, became Minister of Ecclesiastical Affairs. Jean-Guillaume, Baron Hompesch-Bollheim, succeeded his own father as Minister of Finance. The amiable Hompesch would do much to streamline the budget and keep Max Joseph's spending within reason. Baron von Hertling became Minister of Justice.¹⁸

¹⁷Sheehan, *Germany*, 142-143.

¹⁸Dunan, *Napoleon et l'Allemagne*, 59-70, 258-260; Montgelas, *Compte Rendu*, 14-16; Vedeler, "The Genesis of Toleration..." 484-485; Higby, *The Religious Policy*, 103-104. Montgelas reported the establishment of the

Besides these gentleman, Montgelas assembled an able bureaucratic staff, including the zealous religious administrator Frederick von Zentner ("the right arm of Montgelas"),¹⁹ the Francophile authors Karl Hans Lang and Christopher von Aretin, political theorist Joseph Hazzi, and agriculturalist Joseph Reingruber. The army came under the command of *feldmarschall* Carl Philippe von Wrede, Bavaria's most prominent soldier and an ardent Francophobe. Wrede usually displayed more courage than tactical ability.²⁰ Montgelas was also served well by Freiherr von Gravenreuth and Antoine de Cetto, his chief diplomatic attache and ambassador to France respectively. Though poorly organized at the outset, this able group immediately began to formulate a plan for change.

The drive for change would attract many famous Germans to join the Bavarian revolution: Anselm Feuerbach, Karl von Savigny, Friedrich Wilhelm Schelling, Friedrich Niethammer, and G.W.F. Hegel among them. They came to Bavaria during the Montgelas period and made their enduring impression. Despite such able company, however, another man would be necessary to allow the consummation of Montgelas' plans:

staatskonferenz caused more than a little murmuring among the nobility.

¹⁹Vedeler, "The Genesis of Toleration", 484.

²⁰Philip J. Haythornthwaite, *The Napoleonic Sourcebook*, (New York: Facts on File, 1990) 364.

Napoleon Bonaparte. This point is a crucial one. Though a new bureaucracy was burgeoning and the government had begun to remove barriers to progress within Wittelsbach lands, international affairs and especially the Holy Roman Empire limited how far Montgelas could go. Crucial to his plans was the irrevocable destruction of feudal privileges and existing political boundaries. Geographically, Bavaria remained confined by the patchwork hegemony of *Reichskreise* and *Pflegerrichte*. He would be unable to fully implement the bureaucratic system he envisioned while they existed. Max Joseph was impotent in the face of even a very troubled Austria. No feasible plan of land consolidation existed; military action was out of the question. Austria, France, and probably even Prussia would not tolerate aggressive international action by the largest *Mittelstaat*; besides, Bavaria's military remained a hollow shell.

Certain events between 1799 and 1805 would show Bavaria's inability, even impotence, in mastering the existing structure of German politics. Even before the creation of Napoleon's Confederation of the Rhine, it was obvious that without the endorsement of France, certain goals could not be met, certain accomplishments would remain only possibilities. Therefore, especially during the first six years of Max Joseph's reign, events would come to pass that illuminated the necessity, if not the direct sanction, of Napoleon Bonaparte.

II

Bavaria and European Affairs, 1799-1805

The international sphere was such that the Bavarian leaders could not control their own destiny. In 1799, the existence of their state depended largely on events beyond their ability to influence. Political, social, and economic forces far more massive than any previously seen in European history moved across the continent. The French Revolution heralded an eventual shift of power from the nobles and king toward the influential entrepreneurs, industrialists, and middle class. The explosion of industrial power in Great Britain rang the death knell of agricultural Europe. Of utmost importance to Bavaria was Napoleon Bonaparte's rise to dominance in European affairs. To his meteoric success would the francophile Max Joseph briefly attach the fortunes of his kingdom. The association could be deemed on the whole a great success for Bavaria. The 1799-1805 period, before the creation of the Confederation of the Rhine, illustrates Bavaria's need for outside assistance. This is not to say that French action is completely responsible for Bavarian success. It is also not to say that Bavarian leaders did not attempt to force a change. Often their actions brought them to precarious circumstances. In most of these instances, Max Joseph, not Montgelas, initiated the event. Ambitious and impetuous, the elector often recklessly forged ahead, disregarding even

the obvious consequences. His imprudence not only required a bailout by France but also assisted in instigating two wars. The first of these transgressions occurred before a full year of his reign had passed.

In 1785, Duke William of Bavaria headed a secret commission charged with the difficult but necessary task of drawing up the plan for a Wittelsbach succession upon Karl Theodor's death. Without an heir, Karl Theodor feared Austrian annexation, thus William was named as the next elector. Max Joseph's claim, of course, superceded William's, but one part of the original scheme survived. William, in order to solidify his position in the face of Austria and the meddlesome church, was, among other things, to seize and secularize the possessions of the Order of Malta, long thought to be agents of foreign powers. With little thought as to the dangerous results of this action, Max Joseph pursued his predecessor's plan with great vigor. Four days prior to Karl Theodor's imminent death, Max Joseph's agents, in conjunction with officers of Karl Theodor's government, openly declared the Order of Malta abolished. All treasuries became property of the state, the commanderies were closed and not to be reopened, and the members exiled from the state. But Bavarian clout simply did not command enough respect for such a move and the issue exploded; the new titular Grand Master of the Order of Malta was His Majesty Czar Paul of Russia. Already contemplating

the idea of joining the Second Coalition, Paul, angered at Max Joseph's impudence, threatened invasion. The elector, pressured by Austria for troop commitments to the coalition he did not desire to yield, feared being forced into the new war against France. The French naturally applauded Bavaria's independent action in defiance of Austria and her allies, but no support was forthcoming. Paul pitched his considerable military weight on the side of Great Britain and Austria. He subsequently declared Bavaria an enemy state to be treated as such upon the arrival of the savage Marshal Suvarov, currently ravaging French possessions and armies in Italy. With little hope of real French support, Max Joseph buckled. On July 12, 1799, an agreement with Russia reinstated the Order of Malta, all of its lands and possessions, and made the Bavarian Grand Prior a hereditary noble (the reprieve would last nine years). An intensified commitment followed; on October 1, 1799, a full treaty was signed with Russia and Bavaria became a minor ally of the coalition partners, sending 4,000 men to join Suvarov and Rimsky-Korsakov in the abortive Swiss campaign.²¹ This hard

²¹Montgelas, *Denwürdigkeiten*, 35-39; Higby, *The Religious Policy*, 107-109; Ramm, *Germany*, 108. The Bavarian army, a backward, ill-equipped, and poorly led force, did very little in the campaign. The main body of Bavarian troops did not see combat; it is assumed they moved slowly to prevent fighting against the French by order of the elector. Frequently in the campaign Suvarov and the allied commanders complained that the Bavarian division could never quite get into position in time.

lesson, however, made little of a lasting impression upon the elector.

In the meantime allied fortunes turned sour. Hapsburg intractability greatly aided the cause of the French. The Austrian *Hofkreigsrat*, ever a thorn in Suvarov's side, continued to deny him supreme command on the field, withholding crucial unity of command from allied forces on the Upper Danube and Rhine Rivers. The delay doomed Rimsky-Korsakov's Russian army to disaster at the Battle of Zurich. Suvarov, and shortly thereafter Russia herself, withdrew from the war. The French Army of the Moselle under Moreau entered Bavaria on December 2, 1800, and at the Battle of Hohenlinden defeated the Austrians under the capable Archduke Charles. Combined with Napoleon's narrow yet decisive victory at Marengo in June, these two battles sealed the fate of the Second Coalition, securing French influence in Middle and South Germany for the next fifteen years.

Suffering his second major defeat, the normally industrious Emperor Francis vacillated, hoping to delay the inevitable reparations of the upcoming peace negotiations. The humiliating Treaty of Lunéville, signed by French ambassadors and Francis II himself, defined the nature of the French peace conditions and helped start the

entschädigungsplan, or the Prince's Revolution, which would cause the downfall of the Holy Roman Empire.²²

French involvement in the disintegration of the *Reich* began long before Lunéville. The process accelerated by Lunéville actually began at the end of the War of the First Coalition, when the Treaty of Campo-Formio called for negotiations for land annexations between France and Austria at the Congress of Rastatt. Proceedings were interrupted by the War of the Second Coalition, but the lingering affects of the Congress, which set in motion the mediatization of ecclesiastical and imperial states, would be aggravated and accelerated by newest round of negotiations.

Napoleon, of course, wished to inflame whatever hostility the German princes felt toward the *Reich*. France traditionally had played Prussia and Austria against one another. Napoleon wished for more than this, and the Treaty of Lunéville contained the embryo which would eventually become the Confederation of the Rhine. Prussia and Austria could continue to bicker, but a third party would undoubtedly weaken Germany as a whole, especially when backed by French military might.²³ German reform parties

²²Ramm, *Germany*, 49-51.

²³The idea for a third force originated during the Directory at the insistence of Talleyrand and Abbé Sieyès, Woolf, *Napoleon's Integration of Europe*, 26. The French Emperor did not originally see it this way. The interests of Czar Alexander in Germany were considerable, due to many Romanov relatives in various positions throughout the

represented a fertile ideological seedbed for such endeavors. Some German leaders already entertained the idea. A popular pamphlet issued by Count Bignon of France and Baron Waitz of Hesse-Cassel expressed the need for a Germanic federation, one that excluded Austria and Prussia. "Such a federation would be favorable to France, because it would act as a counterbalace against the two great powers, Austria and Prussia."²⁴ If it developed, this group would theoretically owe its allegiance to France. France in turn would act as the "protector of these states," though as James Sheehan notes the distinction between allies and victims was "very subtle indeed."²⁵

empire; the elector's wife was one of these. Napoleon, in his on-going attempt to bring Russia to his side, at first thought Russia could be the third party, as Paul and then Alexander both expressed desire to arbitrate disputes in various German states. In this manner the gulf between Austria and Prussia would widen considerably. "By this means the German Empire will find itself in reality divided by two, for its affairs will be directed from two different centers. Assuming these arrangements successful, would the constitution of Germany still exist? Yes and no; yes, because it would not have been abolished; no, because its affairs would no longer be ordered as a whole and there would be more opposition than ever between Berlin and Vienna. Time and other considerations would then decide our policy." Napoleon to Talleyrand, April 3, 1802, quoted in Bruun, Geoffrey, *Europe vs. the French Imperium, 1799-1814*, (New York: Harper & Bros. Publishing, 1938) 116.

²⁴Quoted from *Coup d'oeil sur la nécessité de séparer en Allemagne les intérêts d'Empire de tout intérêt de Puissance et de donner au corps germanique une existence simple, une et independant*, January 26, 1804, in d'Arenberg, *Lesser Princes*, 92-93.

²⁵Sheehan, *German History*, 253.

Napoleon and the German reformers thus seemed in accord; the outdated Holy Roman Empire needed change. The Treaty of Lunéville was the first vehicle by which this would be achieved. Terms announced that Belgium, Flanders, the Imperial city of Liege, and nearly the entire left bank of the Rhine, including Wittelsbach territories of Jülich, Berg, and most importantly the Palatinate, would become part of with France. In compensation for their losses, princes of the minor houses of Germany would receive indemnification from existing territories of the *Reich*, as stipulated in Article Seven of the Treaty.²⁶ It also called for mediatization of ecclesiastical lands and the geographical consolidation of the larger states, the very thing Montgelas needed but could not achieve on his own. At Lunéville the signatories gained peace at the price of tradition and symbolism; it was the death knell of the existing order.

Minor states eagerly submitted numerous plans for redistribution. Bavarian delegates, on Montgelas instruction, suggested that Francis, as *Reichoberhaupt*, should propose a full plan for secularization and then withdraw himself completely from the process. Then on April 20, 1801, through the Council of Electors, Max Joseph called for the Hapsburg ruler to negotiate as the presiding officer of the upcoming assembly. Francis, however, supporting the

²⁶Quoted in full in d'Arenberg, *Lesser Princes*, 54.

nobles, free cities, and ecclesiastical territories, desired to conduct the entire affair himself. The *reichsoberhaupt* resolved to defend as much of the Empire as he could. Although pressed by Napoleon and encouraged by other enthusiastic German princes, Francis refused to preside over the dissolution of the *Reich*.²⁷ The process dragged on until Napoleon, with Czar Alexander's silent approval, attempted to solve the matter himself. A formal delegation of the Empire was charged with completing the mediatization. Representatives from Bohemia (a Hapsburg territory), Saxony, Bavaria, Württemberg, Hesse-Cassel, the Teutonic Order, and the increasingly important Free-City of Mainz, led by Karl Dalberg, the arch-chancellor of the German Empire constituted the negotiating body. The decision of this *Reichsdeputationshauptschluss*, popularly referred to as the "Conclusion of the Empire," gave substance to the settlement conceived at Lunéville.

The decision of this assembly, pronounced February 25, 1803, radically altered the face of German politics. One-hundred twelve German states disappeared forever, duchies, baronies, counties, ecclesiastical lands alike. In the

²⁷ Atkinson, *A History of Germany*, 456, Francis' pseudo-patriotic stand for the *Reich* had its limits; the bishopric of Passau, an important territory on the Inn River on the Austro-Bavarian border, was parcelled out between the Hapsburgs and the Wittelsbachs, and Francis had been adamant that Austria receive their share of that area. See Ramm, *Germany*, 54-55.

resulting reorganization, Bavaria lost the Electorate of the Palatinate, the duchies of Jülich and Berg, and the Principates of Simmern, Lautern, Veldenz, and Max Joseph's own Zweibrücken, encompassing 800,000 citizens.²⁸ These were Rhenish possessions and most had been under French military rule since mid-1800. In return, Bavaria received two very profitable principalities, the bishoprics of Würzburg and Bamberg, along with fifteen Imperial free cities, including Ulm and Nördlingen, the smaller bishopric of Freysing, parts of (including the city of) the important arch-bishopric of Augsburg, and parts of Passau and Eichstadt. The total gain in citizens brought the electorate's population close to three million.²⁹ The consolidation of Bavaria's borders that had been beyond Max Joseph's powers was accomplished through consular fiat.

During this period Bavaria endured a tenuous diplomatic existence. Though defeated, Austria had not given up hopes

²⁸d'Arenberg, *Lesser Princes*, 69; Atkinson, *A History of Germany*, 461. See also Montgelas, *Denwürdigkeiten*, 68-72, 76, 83-86.

²⁹*Ibid.*, 69-70; Higby, *The Religious Policy*, 15-16; Atkinson, *A History of Germany*, 461. The new territories, in their entirety, were the Bishoprics of Würzburg, Bamberg, Augsburg (which maintained its free city status for at time), and Freysing; parts of Eichstadt and Passau; the abbeys of Kempten, St. Ulrich, St. Alfa, Gengenbach, Solfingen, Elchingen, Ursperg, Roggenburg, Wettenausen, Ottobeuern, Kaisersheim, and Waldsassen; and the Free Imperial Cities of Rothenburg, Weissenburg, Windsheim, Schweinfurt, Kempten, Kaufeurern, Wemmingen, Dinkelsbühl, Nördlingen, Ulm, Bopfingen, Buchhorn, Wangen, Leutkirch, and Ravensberg.

of using diplomacy to reverse the results of the 1800 campaign. The proximity of Hapsburg armies weighed heavily on the Bavarian administration, for France was still far away. True to his pro-French tendencies, Max Joseph instructed Montgelas to negotiate with France, seeking a protective alliance. The Austrians offered their own treaties, all of which involved the absorption of minor Bavarian areas and military obligations. On August 24, 1801, however, Napoleon's ambassador to Bavaria, Louis-Guillaume Otto, an accomplished diplomat, signed with Bavarian representatives an agreement on economic and political relations between France and Bavaria, including a significant monetary indemnity to Max Joseph.³⁰ Austrian counter-proposals followed, but Bavaria successfully avoided them. France and Austria nearly came to blows again during this period. In 1802, with the *Reichsdeputation's* decision imminent, Max Joseph took another step which nearly embroiled his domain in war. Once more, he was merely following a policy that defined his agenda, but once more events made manifest the fact that Bavarian liberties had their limitations. The issue in question was the fate of the *Reichsritterschaft*.

With the impending revisions to German political geography, the "Immediate Imperial Nobility," or

³⁰Deutsch, Harold C. *the Genesis of Napoleonic Imperialism*, (Cambridge: Harvard University Press, 1938) 44.

Reichsunmittelbarkeit, became keenly aware that if the Imperial cities and the ecclesiastical states could be mediatized, then their own situation was rapidly becoming desperate. Led by Karl Freiherr von Gemmingen, a Prussian, the knights desperately sought answers to their dilemma.³¹ Refuge was becoming scarce; most German states were discarding old allegiances and the knights had no place in the new order. Prussia had launched the initial assault on the Imperial nobility as early as 1796. Following their lead, Max Joseph's regime decided the time was right to emulate Hardenberg and the Berlin reformers. Sovereignty and the legitimacy of the elector's regime motivated this move. Montgelas believed the mere presence of the knights to be symbolic of a dead past.³² More banal, practical motives guided the reformers as well. As in the case of secularizing church lands, there were a large number of wealthy estates which stood to be gained.

The attack on the *Reichsritterschaft* transpired in three interwoven stages. Many knights owed allegiance to bishoprics in Franconia, which in 1803 suddenly became Bavarian property and were subject to the reformers policy

³¹Epstein, Klaus. *The Genesis of German Conservatism*, (Princeton: Princeton University Press, 1975) 628. Gemmingen resorted to ordering his Paris representative, von Wächter, to (successfully) utilize bribes to aid their cause. Talleyrand's advisors on German affairs, St. Foy and Durand, were known to be in Gemmingen's pocket.

³²Montgelas, *Denwürdigkeiten*, 77.

of dismantling religious corporations. Max Joseph ordered the seizure of some knightly possessions. During this time, in one of the outlying cantons, a former official from Weimar and knight of the empire, August von Kalb, facing the loss of his lands to either his brother-in-law (as a result of a lengthy lawsuit) or to the eager Bavarian government, decided that he would sell the Von Kalb lands to Bavaria in exchange for a considerable payment. At once, Franconian officials, not yet under Bavarian jurisdiction, appealed to Francis, contending that no knight could arbitrarily give up his obligations to the Empire. Francis replied at once:

In view of the most dangerous consequences, which the imitation of the conduct of the Kalb brothers would involve for our Imperial prerogatives and the entire constitution of the *Reichsritterschaft*, it is incumbent on me to warn you, the members of the Franconian *Reichsritterschaft*...against such conduct as contrary to all principles of honor and duty...I command you, upon pain of our Imperial displeasure, and the certainty of severe punishment, to scrupulously observe and fulfill all obligations owed to the knightly order and to ourselves as your *oberhaupt*.³³

Max Joseph responded by appointing Count Friedrich of Thürheim to an ad hoc post with the responsibility of disabling the knights through harassment and monetary inducements. On October 9, 1803, an electoral edict renounced all knightly jurisdiction, though land and homes

³³Declaration of Francis II, May 16, 1803, quoted in full in Epstein, *The Genesis of German Conservatism*, 629.

would not be taken.³⁴ Some knights succumbed to the bribes and preferments. When others did not, Max Joseph moved swiftly, despite his promises of leniency. Bavarian infantry moved out into the countryside; negotiations now involved frontal assaults on private castles and minor skirmishes in the field. Houses were ramsacked, furniture, paintings, and personal possessions stolen or destroyed. Land and manors were occupied.³⁵ Before the von Kalb issue was resolved, Max Joseph sparked a second, more serious crisis.

That same autumn, Bavarian troops occupied the eastern principality of Oberhausen on the Austro-Bavarian border, occupying the houses of the local knights. Tempers were already high over the division of Passau and the von Kalb action. This further act of naked aggression induced Francis to send his white-coated Austrian soldiers to the

³⁴The elector did not mince words. He declared "...sans doute la chevalerie avait existé comme corporation particulière, mais que cependant elle n'était composée à l'origine que de nobles dant du pays qui s'étaient dérobés à la souveraineté des princes. C'est ainsi que s'étaient élevés dans l'État de petits états, dont l'existence était incompatible avec les droits imprescriptibles du gouvernement et le bien du pays. L'électeur se proposait donc de remener la noblesse immédiate à sa situation primitive de noblesse sujett." Quoted in Alfred Rambaud, *La Domination Française en Allemagne; L'Allemagne sous Napoléon Ier, 1804-1811*, (Paris: Librairie Académique Dider, 1897) 17.

³⁵Gagliardo, *Reich and Nation*, 230; Ramm, *Germany*, 61-62; d'Arenberg, *Lesser Princes*, 82. Gagliardo says nearly half the knights accepted the monetary gifts and special privileges.

Inn River, the border between Austria and Bavaria. Philip Cobenzl, the chief Austrian diplomat, announced that military force was "the only language that Munich understood."³⁶ Montgelas cautioned Max Joseph but, desiring his lord to stand firm, counseled him to hold his ground. Otto assured the alarmed Max Joseph that France would support Bavaria politically. However, in a moment of charactersitic hesitation, the Elector avoided the threat of war by evacuating Oberhausen. Austria considered this a major victory, and French emissary Champagny declared soberly:

This (Austria's) satisfaction, which probably was her due and which she obtained by a menace , gives her a great advantage over Bavaria in the disputes which are born each day from the mixture of territories and the uncertainty of responsible rights. The affair of Oberhausen may become an argument which the stronger may recall the weaker, in order to establish all his pretensions.³⁷

Austrian celebrations ended abruptly when Max Joseph revealed that, despite his inability to hold ground in the international arena without (an sometimes in spite of) French support, Bavaria was not finished with this issue. Max Joseph initiated the third phase with a renewed, much more forceful attack on the *Reichsritterschaft*. The hasty elector was set on overthrowing all knightly power within

³⁶Quoted in Deutsch, *The Genesis of Napoleonic Imperialism*, 216.

³⁷Quoted in Epstein, *The Genesis of German Conservatism*, 217.

his realm. Soon, knightly property was again being brutally confiscated. Following a futile appeal to Napoleon himself, which was left unanswered, Gemmingen and his fellows queried Austria; Could nothing be done?

Once more Austrian troops moved to the Inn and the pressure rapidly mounted. The Aulic Council issued a *Konservatorium* aimed directly at guilty Bavaria, demanding the restoration of all knights to their former places. To enforce the act, Francis appointed Arch-Chancellor Dalberg of Mainz, the elector of Saxony and the Duke of Baden as guardians of the rights of the *Reichsritter*. By doing so Francis hoped to legitimize the knight's position by backing it with the procedures of the *Reich*. The three leaders accepted the order and set to organizing a Regensburg commission to decide what to do.³⁸

The spring of 1804 found Max Joseph in a new quandary. Various counter-proposals from Austria complicated the situation; the machinations of Philip Stadion and the Archduke Charles confused Max Joseph, who remained was unsure of Austria's official position on the issue.³⁹

³⁸Gagliardo, *Reich and Nation*, 230; Atkinson, *A History of Germany*, 468. Klaus Epstein believes the ambitious ruler of Württemberg, Frederick, more guilty of assaults on the knights than Max Joseph, but Württemberg did not suffer the threat of the *konservatorium* like Bavaria. See Epstein, *The Genesis of German Conservatism*, 217.

³⁹Rössler, Hellmuth, *Graf Johann Philipp Stadion: Napoleons deutscher Gegenspieler*, (Munich: Verlag Herold, 1966) 180. Count Stadion's nefarious role in this stemmed

Napoleon, after the brief respite of the Peace of Amiens was once more engaged in conflict with Great Britain, had tired of the affair. The First Consul did not approve of the behavior of either country and certainly did not relish the thought of Austrian army corps assembling on the Inn. Napoleon encouraged Bavaria to back down. Max Joseph reluctantly relented and those knights which still desired to retain their position were allowed to return. Napoleon then admonished Francis February 14, 1804, warning Austria that "...however occupied France may be with the war she is now pursuing, she is keeping her eye upon the affairs of the Continent and on those of Germany, with which they are intimately connected."⁴⁰ Napoleon's warning made only a fleeting impression upon the Austrian and Bavarian administrations. Austrian units remained on the Inn River. The Elector of Bavaria, likewise, slowly reneged on his promises of restoration.

During this time, it dawned upon Montgelas and Napoleon that a true defensive alliance might be a possibility.

from his ownership of property presently in Bavarian hands and his friendship with the Finance Minister, Hompesch. Stadion hoped to alter Austrian policy in his favor. Archduke Charles' more official role, ordering his emissary Fassbinder to approach Gravenreuth about the exchange of Bavarian possessions along the Inn (i.e. Passau) for Hapsburg possessions in Swabia, reveals that Austria, too, dealt with this issue for politically reasons and not just for the betterment of the *Reich*.

⁴⁰Napoleon to Francis, February 14, 1804, quoted in Deutsch, *The Genesis of Napoleonic Imperialism*, 219.

Bavaria could thus be brought under French protection. An act of such magnitude would inevitably touch off a war, but it appeared that with the recalcitrant Max Joseph continuing to encroach upon the knight's lands and the continued presence of Austrian troops war was already becoming a real threat. At first, Napoleon contented himself by repeatedly calling for disarmament, but it was becoming clear that the issue required more active measures. Thus the Franco-Bavarian alliance came into being not as part of a conscious, thought-out policy, but rather through reaction to the immediate situation.

The benefits of such an agreement could be great for both parties. Montgelas could proceed with great vigor under a protective French umbrella; Lunéville and the *Reichsdeputation* had shown him that. France also benefited; French troops, freely deployed in Bavarian domains, would be very close the Austrian capital, and the idea of a French-supported confederation had been fermenting in the minds of Napoleon and Talleyrand. Though Max Joseph sent representatives to the meeting of the German princes in Mainz in September, 1804, and declined to appear personally, Napoleon did attend, and the concept of a confederation was quietly discussed.⁴¹

⁴¹This was the first of Napoleon's "Grand Reviews" of which he would become so fond in later years. His passage would be marked by a brief period of intense government activity by the local regime to demonstrate their ability.

Two related events in 1804 exacerbated the situation. Napoleon's drive for total authority peaked after the Cadoudal plot of early 1804 and the kidnapping and execution of the Duc d'Enghien. To solidify his position, Napoleon sought to elevate himself to the rank of emperor, which, again by personal fiat, occurred on May 18, 1804. His extraordinary self-coronation took place on December 2 of the same year. Francis, rightly fearing for his own elected status as *Oberhaupt*, decided to declare himself *hereditary* Emperor of Austria. His was an unmitigated act of self-preservation and pride, and it astounded the princes of the Empire. In response Max Joseph and Frederick of Württemberg declared themselves Kings. They, too, acted out of self-interest; both sought European legitimacy. The difference was that while Austrian military power would uphold Francis' new title, it would require Bonaparte to authenticate the new Bavarian crown.

Meanwhile, the bidding for Bavaria's hand continued. Angered by Max Joseph's impertinence, Francis convened the Aulic Council, which at his bidding produced an *exzitorium* on March 3, 1805, demanding compliance from Bavaria over the

See Woolf, *Napoleon's Integration of Europe*, 39. Talleyrand, among others, considered this trip a great success. He called it "une campagne d'or," perhaps because of the great number of bribes and gifts given him by the German princes, one of which amounted to £82,000. See C.M. Talleyrand-Perigord, *Memoirs of C.M. Talleyrand de Perigord*, (New York: The International Library Society, 1900) II:254-255.

issue of the knights. Simultaneously French Marshal Guillaume Brune arrived in Munich as a special envoy of Emperor Napoleon to test the political atmosphere. He and Otto learned from Montgelas that the Bavarians desired an alliance only if it led to peace, for their fear of war was great. In return for the vague promise of a questionable force of 30,000 Bavarian soldiers, Max Joseph wanted subsidies and land compensation, namely Austrian Swabia and the mountainous Tyrol and Innvertiel to the south.⁴² Montgelas desired the alliance, but he was unsure of Max Joseph; "I cannot hope to make a hero of a prince who has not the necessary disposition."⁴³ He feverishly worked on the elector for a decision; Max Joseph only hesitated.

His course decided, Napoleon leaned harder, giving his assurances that all would be well. He earnestly desired to support Max Joseph, and he was agreeable to the terms for alliance. Though perched on the cool shores of the English Channel and thirsting to invade the British isles, Napoleon

⁴²Gagliardo, *Reich and Nation*, 231; Deutsch, *The Genesis of Napoleonic Imperialism*, 332-334.

⁴³Quoted in Deutsch, *The Genesis of Napoleonic Imperialism*, 334. Two letters from Gravenreuth, the first on May 15, 1805, and the second two days later, convinced Montgelas of the desperate nature of the situation. "In case this misfortune is unavoidable, I must again impress upon your Highness that the occupation of Bavaria will be on of the first developments."; "As a man of honor and devotion I cannot hide from my prince that he must of necessity take one side or the other of the warring powers if he does not wish to sign the death warrant of his state." See also Montgelas, *Denwürdigkeiten*, 98-100.

nonetheless exhibited the desire to go to Bavaria if necessary to assure Max Joseph that it was in France's best interests to support the needs of Bavaria. "Write...to Otto," the French Emperor instructed a busy Talleyrand, "so he can persuade them that I have the same intentions."⁴⁴ To Cetto he announced:

Assure his serene highness in the first letter you send to Munich, that in earnest of the interests and friendship which bind me to him I will do everything that may be agreeable to him. I will defend his House everywhere, and on every occasion that presents itself I will secure it all possible advantage.⁴⁵

Even with a decision imperative the Bavarian elector balked. With the French Emperor and his closest advisor encouraging haste, Max Joseph nevertheless moved ponderously, dragging on until June. On June 9, 1805, Otto, to whom much of the credit for French success in foreign affairs in 1804 and 1805 should go, finally received a tentative affirmation of the alliance. Max Joseph had decided to side with France despite his fear that they would end up fighting Austria, Russia, and even Prussia. The exact terms were not settled until the end of the month, and even then the elector wavered before the pressure of Austrian threats and counter-proposals.

⁴⁴Napoleon to Talleyrand, April 7, 1805, *Correspondance de Napoléon Ier*, Vol X, no, 8,536, (Paris: Henri Plon, 1868).

⁴⁵Napoleon to Cetto, May 28, 1805, quoted in Deutsch, *The Genesis of Napoleonic Imperialism*, 335.

Secretly signed by Otto and Montgelas (though not fully ratified) on July 31, 1805, the Franco-Bavarian alliance called for 20,000 Bavaria soldiers to supplement the *Grande Armée* when and if it would arrive. In return, the French would supply guidance and subsidies to reform the Bavarian military. Certain principalities would become Bavarian spoils should war with Austria materialize.⁴⁶ An exasperated Napoleon declared repeatedly "j'approuve le traité d'alliance," and warned Otto, Talleyrand, and especially Cobenzl of Austria that if the Hapsburgs would not back down, "je serai moi-même avec 200,000 hommes en Bavière."⁴⁷ He immediately sent General Henri Bertrand to Munich, ostensibly to help mobilize the Bavarian army to take part in Napoleon's rapidly developing plan of attack, though Bertrand's immediate duty was to scout out the terrain and make himself available to Montgelas and General von Triva.⁴⁸ The effect of the alliance on neighboring minor states was immediate. Following Bavaria's lead, an equally recalcitrant Württemberg joined France. The rest of southern Germany soon followed.

⁴⁶Montgelas, *Denwürdigkeiten*, 98-99; d'Arenberg, *Lesser Princes*, 98.

⁴⁷Napoleon to Talleyrand, August 16, 1805, *Correspondances de Napoléon*, no. 9,087.

⁴⁸Montgelas, *Denwürdigkeiten*, 101-102; Deutsch, *The Genesis of Napoleonic Imperialism*, 345; Napoleon to Bertrand, August 25, 1805, *Correspondances*, no. 9,133.

All this had been carefully masked from Austria, but the War of the Third Coalition was, in Francis' mind, already a reality. The declaration of war would be a simple formality. Unaware of the recently signed Franco-Bavarian treaty, he took a foolish step. Austrian Counts Schwarzenberg and Buol-Schauenstein arrived in Munich the first week of September with an ominous ultimatum from Vienna. Bavaria must immediately return the property of the knights, allow Austrian troops under General Karl Mack von Leiberich to cross the Inn, and supplement his force with all available Bavarian troops. Francis "encouraged" Max Joseph by alluding to the ancient friendship of their houses.⁴⁹ While Schwarzenberg was all bluster, Buol-Schauenstein offered money, the city of Salzburg, and recognition of the royal crown to Max Joseph in return for an alliance. Neither offer was serious, for as they spoke Mack's white-coated Austrians were at that time crossing en masse the bridges of the Inn and clogging the roads toward Munich. In one swift move Austria had gone from aggrieved patron to criminal violator of the sacred German

⁴⁹Schwarzenberg, Karl Fürst, *Feldmarschall Fürst Schwarzenberg, Der Sieger von Leipzig*, (Munich: Verlag Herold, 1964) 85, 466 fn 140. Francis threatened in an almost amiable tone; "Mon cher Prince, abouchés-vous demain matin avec le ministre bon de Montgelas, il vous dira mes demandes, n'y soyer pas contraire, je compte sure votre ancienne amitié. Bon soir, mon cher ami, je vais me coucher, je n'ai fait que vomir toute la soirée et j'ai la fièvre." See also Montgelas, *Denwürdigkeiten*, 103-104.

constitution. By invading, Francis became the aggressor. Napoleon, as he wished, could declare Francis in violation of his own law, and he could conduct the war on the pretense of defending German liberty.

In a moment of sheer panic, Max Joseph and his wife fled north-west to Würzburg with Montgelas, Hompesch, and others in tow. The various divisions of his army trailed behind. Buol-Schauenstein followed, continuing to ask for an Austro-Bavarian agreement. At this point even Otto began to despair; "We have against us the timidity of the prince, the nobility, and the court, and particularly the tears of Madame the Electrice."⁵⁰ Talleyrand, however, radiated confidence. All that was needed was time, he replied to Otto. He ordered the harried French ambassador to instruct Max Joseph to "feign coldness" and keep the Austrians guessing. Napoleon was in the field and the *Grande Armée* was rushing south-east from the Cherbourg coast. "At least this procedure will incline Austria to circumspection. The tardiness of her measures may gain a few days and that is all that is necessary."⁵¹

⁵⁰Quoted in Deutsch, *The Genesis of Napoleonic Imperialism*, 354. Though he liked Montgelas, Otto had no great love for the elector, whom he saw for what he was. "I await with the greatest impatience the arrival of our troops. I have to do with the most feeble, the most timid, the most inconstant prince of Europe. My position at London was less delicate and less disagreeable than that in which circumstances have place me in the last fifteen days."

⁵¹Quoted in *Ibid.*, 349.

Though seldom brilliant in the conduct of foreign affairs, Montgelas rose to the occasion. Even as Austrian troops entered and plundered Munich, as Napoleon's seven army corps sped across France in a race for the Rhine, as a sickly Max Joseph oscillated between Austria and France, hoping for succour from French troops, Montgelas hit upon a superb plan. Crown Prince Ludwig had just finished a journey through France and currently resided at Lausanne in French-held Switzerland. With this in mind, Montgelas instructed Max Joseph to send a false letter to Francis stating that if Bavaria joined the Austrians, Napoleon threatened to imprison and maybe execute the elector's son and heir. To complete the plan, Montgelas chose as his emissary the Governor of Munich, Count Nogarola, who was completely unaware of the French treaty and believed that Bavaria would soon make common cause with Austria. He would remain on call in Vienna to convey subsequent messages to Francis.⁵²

The delay worked. Marshal Bernadotte's French troops arrived in Würzburg on September 26, 1805. The arrival of the blue-coated Frenchmen forced Max Joseph to ratify the Franco-Bavarian alliance. In due course, a surprised Nogarola was informed of the event and he in turn informed Francis. At first the Austrian Emperor simply did not

⁵²*Ibid.*, 350-351; Montgelas, *Denwürdigkeiten*, 104-10; d'Arenberg, *Lesser Princes*, 101.

believe him. "Either they have permitted themselves a bad joke with you," Francis told Nogarola, "or it is you who wishes to do this to me."⁵³ When Nogarola finally convinced him that the Franco-Bavarian alliance was reality, Francis flew into a rage. "Je ne veux pas prendre la Bavière, je veux la manger!"⁵⁴ The die had been cast, however, and elements of the *Grande Armée* swarmed into Bavaria. In a lightning campaign, Napoleon surrounded and captured Mack and most of his army at Ulm. The remaining Austrian forces fell back behind the Inn to attempt to link up with a Russian army under Marshal Kutuzov approaching from the east. Bavaria had been saved once more.

Napoleon loudly proclaimed his arrival in Bavaria. He encouraged the Bavarian army; "You are fighting for the first goods of the nation, for independence and political existence!"⁵⁵ To the apprehensive elector he declared that he would soon be arriving in Munich, pleasantly requested Max Joseph to meet him there, and assured him that France would continue to protect him as it had just done.⁵⁶ The point was clear. France had solved Bavarian foreign policy with military force and diplomatic action; these events would

⁵³*Ibid.*, 352.

⁵⁴d'Arenberg, *Lesser Princes*, 102.

⁵⁵Quoted in Trietschke, *History of Germany*, vol I, 257.

⁵⁶Napoleon to Max Joseph, October 23, 1805, *Correspondances*, no. 9,418.

have an indelible impact on the internal reorganization of Bavaria. As French power supplanted that of the of the *Reich* Montgelas' possibilities of reform expanded radically.

III

Bavarian Internal Reforms, 1799-1806

Stuart Woolf remarks that of all the Napoleonic satellites, only Bavaria and the principality of Neuchâtel had been free from recent political disruption at the dawn of the Empire.⁵⁷ Certainly this changed with the advent of the Montgelas period. While externally Bavaria continued to suffer from her second-rate position in European affairs, internally the engine of bureaucracy was sputtering to life.

During Max Joseph's first tumultuous six years, Montgelas secured his position by frequently reorganizing his weapon for reform, the executive ministries. Montgelas' goal, the creation of functional, streamlined bureaucratic structures, would require smoothly functioning bureaus, resembling those of Prussia. The February 25, 1799 decree, creating the four executive ministries of the *Staatsconferenz*, relieved existing government bureaus of all

⁵⁷Wolff, *Napoleon's Integration of Europe*, 85.

duties without exception.⁵⁸ The ministries assumed full control of all government functions. Though other boards and assemblies would be created during the first year, the official boundaries of the ministries were not set until May 26, 1801. Therefore, for the first two years, the ministers, with Montgelas directing, took whatever actions were necessary to encourage reform. Implied in the reorganization of the *Staatsconferenz* was that at any time, due to the deaths of ministers Hompesch senior, Baron von Hertling, Hompesch junior, and then Morawitzky, jurisdiction over the affairs of their ministries would invariably go to Montgelas. Indeed, after 1806 he had control of ecclesiastical affairs and justice as well as foreign affairs.⁵⁹ Though the others undoubtedly contributed to the reforms, it is clear to whom the majority of credit or blame should go.

Legislation in the democratic sense did not take place in Max Joseph's Bavaria. Electoral edicts were ratified by a rather informal body known as the *Geheimerat*, or *Conseil d'Etat*. This body consisted of three ministers, as often as not the executive ministers of the *Staatsconferenz*, and their respective groups of consultant advisors. It was

⁵⁸Montgelas, *Compte Rendu*, 15.

⁵⁹On the complicated reform of the ministries see Montgelas, *Compte Rendu*, 15-17 and Dunan, *Napoléon et l'Allemagne*, 77-79.

their task to edit the wording of the electoral edicts, but they could not issue laws without the consent of the elector. The body met regularly but was without written guidelines, so its performance is difficult to assess. For the most part, it simply seconded the ideas of the *Staatsconferenz*. The dissolution of the *Geheimerat* in 1806 to await further reconstruction illustrates its general lack of vitality.⁶⁰

Juridic power remained a persistent problem for Montgelas. Judicial authority rested with two bodies and was intensely associated with administrative duties. The first, the *Generallandesdirektion* under President Joseph August von Törring-Gronsfeld (1753-1826), was created by the decrees of April 23 and October 5, 1799. Von Törring led two vice-presidents and 42 councillors. This administrative body combined a very simple court system, a police authority, and executive power, subdivided into seven separate sections.⁶¹ A second, smaller *Generallandesdirektion* guided affairs in the Palatinate until its absorption by France. The second organization, the *landrichte*, embodied the administrative bureaucracy

⁶⁰Dunan, *Napoléon et l'Allemagne*, 78.

⁶¹*Ibid.*, 79. The seven deputations were police (for the entire domain), mines and coinage (under Mathias Flurl), fiefs (under Adam von Aretin, Christopher's capable brother), forests and housing, military administration (seconded to the ministry of war later), commerce and customs, and compatibility of laws.

Montgelas so desired to establish. The *landrichte* came into being after the abolishment of all previous offices and bureaus on March 24, 1802. In their place the new bureaus of the *landrichte* would have first jurisdiction over all civil cases and in some instances criminal proceedings. All police functions moved from the *Generallandesdirektion* to the *landrichte*, including criminal "instruction" and gathering court fines.

Awkward as it was, the judicial system remained in place during the early years, but was one of Montgelas' least successful changes. The bureaucracy tied directly to the judicial power, on the other hand, became a great success. Montgelas' dreams of forwarding the administration on the shoulders of competent, qualified men functioned both through the *landrichte* and the *generallandesdirektion*. The multifarious bureaus of the 18th-Century disappeared and were replaced by a slowly accelerating modern system. The *dienstpragmatik*, the edict of January 1, 1805, solidly reinforced the bureaucracy by suppressing all sales of offices or titles and set the requirements and prerequisite qualifications for civil service.⁶² Montgelas listed the qualifying terms of employment as "...ceux de sa famille,

⁶²Ramm, *Germany*, 78.

ses années de service, ses qualités morales et intellectuelles."⁶³

With the help of the newly-created bureaus, the ministers of the state set to work in changing the religious, military, and economic conditions of the state. While the military remained in relatively poor shape until after 1805 and the economy would not be greatly affected during the first five years, Bavarian Catholics endured the trauma of a long-delayed "reformation." The assault on the Catholic preeminence in Bavaria roughly parallels the foreign affairs of the state. Lands annexed by Bavaria as part of the *Reichsdeputation* and by the terms of Austria's surrender in 1805 contained many Protestants; Montgelas had to initiate reforms of some kind to integrate the new subjects. But unlike the long path to the Franco-Bavarian alliance, Montgelas' policy was planned before the arrival of Napoleonic troops.

Reducing Catholic power in Bavaria was not an entirely new idea. Both Max Joseph III and Karl Theodor attempted minor reforms. The Roman Catholic Church had been somewhat restrained by the *Ems Punktion* of 1786, which terminated the power of future papal bulls and eliminated appeals to the Holy See.⁶⁴ Montgelas' was a vastly accelerated policy.

⁶³Montgelas, *Compte Rendu*, 53(quote)-55.

⁶⁴Fisher, *Studies in Napoleonic Statesmanship*, 10-11.

The period of 1799 to 1805 saw distinct, major advances on behalf of the Protestants and prophetic assurances for the improvement of Jewish rights. Just as in government reform, these years produced incredible changes which would be codified into law during the Empire period. Unlike the trial-and-error reform of the administration, nearly all the changes in favor of the Protestants and the secularization of church possessions would be complete before 1805.

The battle was not as difficult as one might imagine. Although the innate conservatism of the small, rural town and the agricultural poor bred unyielding attitudes toward Protestants and Jews, resistance was disorganized and without able leadership. When faced with a determined administration, the relative strength of the Catholics was a mere facade, encouraged by wealthy bishops and fostered daily by the efforts of monks and nuns, hidden behind feast-days, holy days, and the maintenance of church-sanctioned superstitions. As Montgelas publicly declared;

One of the most powerful obstacles is to be found in the present condition of the Bavarian monasteries, and more especially of the mendicant monks. They recognize themselves that the new spirit of the age has led to a change in public attitude toward them; but this has only led them to redouble their efforts to work for their own preservation. They have encouraged the perpetuation of superstition and of the most baneful errors; they have built up obstacles against the spread of enlightened principles; and they have

sown suspicion against every institution working for true moral education.⁶⁵

Montgelas sought to end the superstitions encouraged by Catholic traditions. Such myths included the ringing of church bells before thunderstorms, which caused riots, the firing of muskets into the air before storms or in times of celebration, which caused injuries, and the unsound abhorrence of breast-feeding among Catholic mothers, which caused higher infant mortality rates. Peasant pilgrimages to sacred shrines were cause for riots and revelry, disrupting trade and commerce, not to mention that citizens were frittering away constructive working hours in useless activities.⁶⁶ Protestant work ethics, which many of the new ministers held, demanded more of the people, and the philosophes of the Enlightenment encouraged the abolition of medieval practices in a modern state.

Opposition to the changes lay rooted in the gentry and the bishops. With their lands rapidly dwindling or being appropriated wholesale by the new government, the failing aristocracy saw the destruction of traditional Catholic power as one more attack upon themselves. On May 31, 1800, Baron von Kern, as spokesman for the nobles, addressed the assembly of the *landschaftverordnete*. A bitter foe of

⁶⁵Quoted in Epstein, *The Genesis of German Conservatism*, 601.

⁶⁶Higby, *Religious Policy*, 84-91; Sheehan, *German History*, 76..

Montgelas whom he considered a foreigner, Kern announced that the dissolution of church lands constituted the gravest threat to the state.

Our old constitution is to be replaced by an arbitrary despotism, a system which destroys but cannot construct, a system which is not represented by native officials but by birds of passage and parvenu unpropertied spinners of projects. Our immediate objective must be the confirmation by the prince of the old *standische* liberties as part of the traditional ceremony of homage. This is not a matter of going back to old forms--under which, incidentally, prince, *stande*, and subjects were far happier, united and prosperous than they are likely to be under any new dispensation--but rather a matter of maintaining an existing constitution of acknowledged excellence.⁶⁷

Kern's plea went unheard. No champion of the aristocracy had the power to step forward, and the *Reich* was impotent. The bishops, who naturally fought Max Joseph's policies, were also easily bypassed. The elector simply waited for the deaths of these elderly officials and then did not allow Rome to replace them, effectively beheading the Catholic leadership in Bavaria.

Bavarian religious policy of the electoral years contains three major themes. The first two--secularization of church lands, such as monasteries and abbeys, and the removal of Catholic authority--go hand in hand. Prior to 1802, only the threat of religious reform existed, but as the need to reorganize the backward school system increased so did the peril to the mendicant orders who, for the most

⁶⁷Quoted in Epstein, *The Genesis of German Conservatism*, 613-614.

part, controlled their day to day operation. By unpublished edict, January 25, 1802, Max Joseph authorized the third part of the reform program, the suppression of all mendicant orders.⁶⁸ Montgelas, Morawitzky, and Zentner went to work directly. All ecclesiastical power over education disappeared, to be replaced by a state system of schools which, like the administration, would undergo frequent changes. The Augustinians, Dominicans, Capuchins, Franciscans, and others lost all rights to land and edifices. Most buildings were abruptly torn down to pave the way for schools and, rarely, new Protestant churches. The land was sold or redistributed in a manner reminiscent of England's Henrician Reformation. Money from these sales went either directly to state coffers or education funds. Nuns, friars, and monks were pensioned off. Some were allowed regular salaries if they went to work for Catholic priests. In this instance, Bavarian action presented Napoleon with a *fait accompli*; it was not until the end of the *Reichsdeputation* in February of the following year that Napoleon sanctioned such policy.⁶⁹

Unfortunately, this disruptive event did not occur peacefully or without waste. Treatment of the displaced monks was at times barbaric. Popular protest at their

⁶⁸Montgelas, *Compte Rendu*, 127.

⁶⁹*Ibid.*, 127-128; Higby, *Religious Policy*, 178.

removal was feared by the government, so frequently the mendicants were rushed out by Bavarian soldiers in the middle of the night. The nuns of the abbey at Anger were moved during a violent thunderstorm. Some had to endure snow and bitter cold. In addition, vast libraries protected for centuries by the thorough mendicants were seized and Zentner, for one, allowed some of them to be sold to Munich to be turned into pasteboard.⁷⁰ Though pensions were promised and the monks were encouraged to work with the local priests as assistants, many turned full-time to begging. This practice became so prevalent that Max Joseph issued an edict against it, March 13, 1802. Five days later, to fulfil his promised obligations, the elector established a Commission of Secularization which outlined the basis for pensions and salaries, a general pension becoming law June 12, 1804.⁷¹

In combination with the secularization of church property, Montgelas and Morawitzky employed other methods. An order issued April 17, 1802 systematized the demolition of old Catholic churches in parishes needing new local schools. Bishopric power was greatly trimmed in 1803 by a series of government decisions, limiting clerical influence

⁷⁰Higby, *Religious Policy*, 187-188, 196-197. Christopher von Aretin led a commission to save the books and many were removed to the *staatsbibliothek* in Munich.

⁷¹Montgelas, *Compte Rendu*, 122-123.

in government affairs. Max Joseph's March 7, 1804 edict declared that the church could no longer exist as a *standestaat*, a state within a state, and that the Bavarian administration could interfere in any and all religious matters whenever it were deemed necessary. Religious interference in secular and state affairs was correspondingly forbidden.⁷² There would be additional changes in later years which further stripped the Catholics of power. However, during the electoral years Montgelas employed a third method, one which limited Catholic power indirectly and helped achieve a greater parity of denominations in the state.

The third characteristic of Bavarian religious reform was the integration of the Protestants and to a much lesser extent, the Jews. Together with the new bureaucracy this was the cornerstone of Montgelas' reform program. An anonymous memorandum at the palace dated April 10, 1799 reads "the need for religious toleration is necessary to attract useful foreigners for industry and enlightenment." The statement is attributed to the Savoyard minister.⁷³ Montgelas' liberalism was thus not wholly altruistic. Toleration was both necessary and beneficial. He believed that Protestants offered much for his country and, thus, for

⁷²Higby, *Religious Policy*, 211.

⁷³Vedeler, "The Genesis of Toleration...", 484.

his lordship the elector. In industry, commerce, education, and morality, their inclusion as full citizens could only enrich Bavarian economy and society. A few local leaders preceded even Montgelas. Some rulers in recently annexed lands already issued laws of toleration in favor of the evangelical faith within their principalities. For example, Baron von Lindenfels of Ketzersdorf allowed all Protestants full rights of law.⁷⁴ Displaying his usual aggressiveness, Max Joseph created a private Protestant chapel in the court for his dear Electress, Caroline of Baden in 1799. The first public announcement followed on April 8, 1800, when it was announced that all Protestants in Munich could begin to freely worship without the fear of Catholic reprisal.⁷⁵ Due to the relatively small number of Protestants in the capital, this edict was mainly symbolic, but soon the government's intentions became clear. Even before the ratification of the *Reichsdeputation*, edict after edict opened windows of opportunity for aspiring Protestants. In August of the same year settlement in Bavaria was offered to all non-Catholics, excepting Jews. Montgelas stated...

Upon various occasions we have learned that many cherish the erroneous opinion that the qualification of the Catholic religion is a necessary condition to settling in Bavaria. This has been down to the present time of the greatest disadvantage to the encouragement

⁷⁴*Ibid.*, 486.

⁷⁵Montgelas, *Compte Rendu*, 122.

of industry and agriculture in this country.⁷⁶

A second decree, issued in November, 1800, declared Protestant ministers henceforth free to hold services and give educational instruction anywhere in the state, though at this point it was still required to be done in private. Full rights were extended by the extraordinary Edict of Religious Freedom, January 10, 1803, which extended the right for all Bavarians to freely worship as they wished (excepting the Jews). Children could now be educated in the home and at church by Protestant ministers. Marriages between faiths were allowed in May, 1803.⁷⁷ These edicts helped successfully integrate new citizens. All subjects finally enjoyed religious freedom on par with much of Germany.

As Montgelas hoped, the impact on the economy was quick to appear. Large numbers of industrialists sought opportunities in Bavaria's expanding market. Often local opposition forced the government enforce toleration. One Protestant entrepreneur, John Hochgesangt, desired to extend his prosperous pottery firm to Amberg in Haut-Palatinate. Demand for excellent Hochgesangt pottery was high in Germany, and the addition of his ceramic factories would

⁷⁶Quoted in Vedeler, "The Genesis of Toleration...", 487.

⁷⁷Montgelas, *Compte Rendu*, 123; Vedeler, "The Genesis of Toleration...", 480; Higby, *Religious Policy*, 121-122.

greatly boost Bavarian commerce. His purchase of factory sites in Amberg was, however, blocked by a recalcitrant Catholic magistrate. Montgelas' religious bureaus paved the way for Hochgesangt to set up his kilns despite the local resistance. To their credit his factories did quite well.⁷⁸

The cause of Jewish emancipation did not fare as well as toleration of Protestants. Despite the enlightened attitude of Montgelas' administration, the six years of the electorate saw little progress on behalf of Jews. Though Montgelas refers to them as somber, amiable, and content with small profits from their businesses, he nonetheless dedicated only three brief pages (out of twenty-six concerning toleration) in his account of Bavarian internal affairs.⁷⁹ The deciding factor in all Jewish cases was often whether or not the Jews in question would add value to the Bavarian economy. The situation of the widowed Jewess Sara Schleierin, who wanted to give her son half her house so he would be able to marry, epitomizes Bavarian attitudes. The district magistrate, Baron von Lichtenstern, would not allow her to do so, declaring all Jews to be emissaries of fraud, bankruptcy, usury, and the trade of stolen goods.⁸⁰ The fact that the government did not intercede on Scheierin's behalf

⁷⁸Vedeler, "The Genesis of Toleration...", 486.

⁷⁹Montgelas, *Compte Rendu*, 138-140.

⁸⁰Vedeler, "The Genesis of Toleration..." 488.

as they did on behalf of John Hochgesang and other Protestant industrialists reveals the actual vein of early toleration. Scheierin did not offer any benefit to the economy and was summarily written off. The mixed marriages act of 1803 showed that Bavarians were ready for Protestant involvement in social as well as economic affairs, but Jews were not yet welcome.

There was a glimmer of hope January 20, 1804, when, perhaps urged by more lenient elements in the administration led by Aretin, the government granted Jews admittance to both higher and lower schools administered by the state. Jewish freedom, however, would not come until the period of the Confederation. Furthermore, the reality of the laws, however superficially benevolent, was always by reason subject to and limited by the ingrained German prejudices against Jews.

Religious toleration characterizes the most ambitious aspect of reform during the electoral period. Other successes included the creation of the new administration, and the modern bureaus laid the groundwork for the codification of the royal period. Land reform was pushed forward to some degree, but not nearly as it would be during the early years as a kingdom. Economics was affected by the immigration of sizable numbers of Protestant investors and businessmen, and commerce was streamlined by the removal of the irregular and frequent boundaries of the *pfleger* and

rentämer. On the whole, however, Max Joseph had not been in control long enough yet to make a significant impact on the economy of the state.

Most of these measures illustrate solely the success of Montgelas and his administrators in pursuing their goal of a modern bureaucratic state. Napoleon's impact was restricted to the inclusion of new lands, which entailed greater leeway in land distribution and consolidation and a greater necessity for toleration to appease and seduce increasing numbers of Protestants to the area. The 1805 alliance announced a new era and a transformation of Franco-Bavarian interaction.

Chapter 3

Anchor of the *Mittelstaat*: Bavaria as part of the Rhine Confederation

"Bavaria is engaged in a total revolution, though bloodless. The past is demolished and a new order of things founded."

--Anselm von Feuerbach, 1808¹

The years 1805 to 1812 marked the zenith of the Napoleonic Empire. These same years would see the further evolution of the Bavarian state. Max Joseph and Montgelas would legitimize the kingdom's existence with a constitution, solidify its borders by reorganization, and preserve its independence with a new, modern army based on the French model. French involvement in the process would be limited. Bavaria owed its inclusion as the premier state of Napoleon's Confederation of the Rhine not so much to the astute diplomacy of her leaders as to continental forces beyond her control. However, the diligent work of Montgelas during the period of the French empire would help to ensure that when Napoleon's military success ended, Bavaria would not slip back into the political morass from whence she had struggled. This period is therefore characterized by the usually indirect influence of France on Bavarian affairs and the codification of the modernization reforms by Montgelas' administration.

¹Quoted in Klang, "Bavaria and the War of Liberation," 39.

I

Bavaria and the Napoleonic Empire

The shattering defeat of the Austro-Russian allied army at Austerlitz, December 2, 1805, did not officially end the War of the Third Coalition, but it did conclude Austrian participation. Twice humiliated during the brief war and defeated by France for the third time since the outbreak of the French Revolution, Austria isolated herself to reorganize. Four years would pass before the Stadion's belligerent War Party would send Austria down the path of war once more. During that time, the Hapsburgs, impotent against France, dealt very little with Bavaria, much less interfere in her affairs. Thus, one of the major powers which dominated Max Joseph's foreign policy could not, for a time, upset progress in Munich.

The other major power, of course, was France. Strangely enough Napoleon's direct impact on Bavaria, finally safely under his wing, would last no more than a year. Before the Franco-Bavarian alliance Bavaria frequently had to follow the French lead; after 1806, she would be more free to do as she needed and would not as often require the assistance of the French Emperor. Indirectly, however, French policy would continue to affect Bavaria. Once again many of the reforms Montgelas initiated would owe their completion in part to actions taken by Napoleon before the creation of the Confederation.

Additionally, many of the changes Bavaria would experience owed their existence to Imperial policy. The economy, for one, benefited from the strengthening of the Continental System.

In 1806, however, the Corsican general had other affairs to conclude, and the resolution of the idea for a confederation was one of these. Austrian reparations had to be agreed upon first. The price of this third defeat, already costly in manpower and prestige, would be high. Against Talleyrand's advice Napoleon decided to punish the Hapsburgs harshly. For the most part, mediatization and compensation in the German minor states had heretofore been at the expense of the ecclesiastical states and free Imperial cities. Austria would join the list of the bereaved. The Treaty of Pressburg, signed December 27, 1805, cost Francis Tyrol, the Vorarlberg, Venetia, and minor parts of Illyria. He renounced the allegiance of any principalities or cities in the Franconian, Swabian, and Bavarian circles. Tyrol and the Vorarlberg went to Max Joseph, who had to give up Würzburg to Austria in the interests of consolidating borders. In all, Austria lost 2.5 million subjects, one-sixth of their annual revenue, and was forced to pay 40 million francs in reparations.² On the

²Talleyrand argued forcefully against punishing Austria further. He believed further humiliation would either break the country up in to civil war or galvanize anti-French forces in Vienna (which it did). "The Austrian monarchy is

day of the treaty Napoleon sent word to Max Joseph, congratulating him on his new acquisitions and reminding him of his (Napoleon's) loyalty to the Wittelsbach fortunes.³

For their part, the Bavarians rejoiced at the news, but not only because of the new acquisitions. Upon Napoleon's return to Munich he decided to further solidify the Franco-Bavarian alliance through traditional means, a marriage. Since 1804 Napoleon had hinted through Otto at the idea of betrothing the young Augusta, daughter of Max Joseph and Caroline, to his beloved and loyal stepson, Eugene de Beauharnais, now the Viceroy of the Kingdom of Italy. Indeed, while the French conqueror was in Munich Max Joseph secretly escorted Augusta to Napoleon's quarters for his approval. Napoleon, in his own words, was "embarrassed" but

composed of various states which differ among themselves in language, traditions, religion, and composition. They have a single thing in common; one and the same sovereign. The power of the monarchy is therefore weak, yet is sufficient and a necessary obstacle to the barbarians. Austria is now defeated and humiliated. Its conqueror must now extend a generous hand and, by making it an ally, restore to it that confidence in itself of which it may be deprived by this series of defeats and disasters...It is now in the power of your majesty to destroy the Austrian monarchy or to raise it up. If you choose to destroy it, it will no longer be in your power to make the pieces whole again, and the existence of this monarchy is necessary, indispensable, to the future security of civilization." Quoted in Jack Bernard, *Talleyrand: A Biography*, New York: G.P. Putnam's Sons, 1973, 262-264.

³Napoleon to Max Joseph, *Correspondances*, no 9,620, December 27, 1805.

agreeable.⁴ The Wittelsbach elector was uncertain of this course, arguing that Eugene was only a step-son and not a son by birth, but in the end he relented, much to the delight of Napoleon and Josephine. The marriage was a very successful one and in time Eugene and Max Joseph became close friends, even after the fall of Napoleon.

A second event superseded excitement over the impending marriage. On December 12, 1805, by French and Bavarian declaration, the Kingdom of Bavaria was created and Maximilian Joseph I became its first King. Frederick of Württemberg followed suit in a few days; Karl August of Baden became a Grand Duke. All were for the time being to remain part of the Holy Roman Empire. Austria was too shattered to resist. Indeed, one of the terms of Pressburg was that he had to recognize the new royal titles. Prussia, desperately seeking a peaceful method to deal with French aggression, declined to object. A great step in the quest for legitimacy had been taken. Though Max Joseph's powers overtly would not change, the dignity of the title did much to embellish Bavarian prestige. The new monarch celebrated the restoration of Bavaria's ancient royal dignity by asking all Bavarians to wear blue and white cockades, borrowing

⁴Gourgaud, *Talks of Napoleon on St. Helena*, 150-151. See also Napoleon to Max Joseph, *Correspondances*, no. 9,599, December 21, 1805.

from French popular symbolism.⁵ Logically, the next step would be the Confederation.

As the new year began, this idea dominated affairs in Germany, and Prussia began to become concerned. Prussian leaders, astutely aware that Napoleon's weight could very well shift their way, scrambled for solutions. A Prussian plan for a loose federation centered on the houses of Hapsburg, Wittelsbach, and Hohenzollern was debated, but Bavaria was never formally notified of its existence. Prussia thus assumed condescending airs toward Munich. Frederick Wilhelm III had not argued against Max Joseph's coronation, but neither did he allow Bavaria equal consideration as a full-fledged monarchy. This attitude would help stale relations between the two and help ruin Prussia's negotiating position.

Meanwhile, other Germans proposed different, conflicting ideas. Karl Dalberg, the Arch-Chancellor of the German Empire in Mainz, had wheedled and cajoled his way into a profitable position as Napoleon's most ardent German supporter. Though he clamored for Napoleon to accept the Holy Roman crown in the early months of 1806, he soon abandoned this in favor of a confederation. At Dalberg's insistence many of the minor princes appealed to Napoleon to protect them as he had Bavaria in 1805. Some of them needed

⁵Trietschke, *History of Germany*, 263.

protection even from Bavaria and her neighbors. In particular, King Frederick of Württemberg's continued encroachment on neighboring lands caused bickering among the minor states. His actions led Napoleon to believe that some of these states, angered by Frederick's naked aggression, may well declare in favor of Austria against France's German allies should some vote come up in the Imperial Diet. A solution was essential. The German reformers continued to produce various partisan ideas. Through May and June of 1806 different plans were submitted by Minister Reitzenstein of Württemberg for the further mediatization of the few remaining minor principalities in southern Germany. Envoys from Bavaria and Baden perused these plans and rejected them, submitting their own designs. The southern German states could not agree on how to complete the rounding out of their borders.⁶ It was clear France would have to resolve the issue herself.

On May 22, 1806, Talleyrand, always a proponent of a confederation, presented Napoleon with a memorandum, querying the Emperor for a decision. Talleyrand asked three questions: should the princes be allied to one another, guaranteeing each other's rights and privileges; would there be a mandatory troop allotment for the defence of any confederation and if so, how many soldiers would be required

⁶Sheehan, *German History*, 248; d'Arenberg, *Lesser Princes*, 119-130.

of each country; and should certain minor territories such as Baden, Hesse-Cassel, or Nassau be absorbed into a larger polity or left as sovereign states?⁷ Napoleon responded swiftly. On June 11, ambassador Cetto was informed of a tentative plan for confederation. Bavaria, like the other states, would declare full sovereignty, separate from the Holy Roman Empire. All would band together in a confederation allied with France. Three vague councils would decide the needs of the confederation. The most important council, headed by Dalberg, would be "the Council of Kings," of which Bavaria would be the most important member. Napoleon would be the "Protector" of the confederation and Dalberg would be the "Prince-Primate." In the first draft both were accorded many powers, so many that Cetto, on behalf of Max Joseph, refused to sign.⁸

A lively exchange ensued. Napoleon needed Bavarian support. His insistence upon Bavaria's ratification illuminates Bavaria's standing among the German minor states. If Max Joseph would agree to the confederation, the others would sign, just as they had done with the alliance treaties in 1805. Napoleon therefore ordered Talleyrand to step up the pressure and get the signatures one way or another. Talleyrand allowed Cetto to be the only ambassador

⁷d'Arenberg, *Lesser Princes*, 130.

⁸*Ibid.*, 134.

from any of the German states to see the rough draft. After studying the document, Cetto announced that leaving the Holy Roman Empire was agreeable to Bavaria but that Dalberg seemed to have too much power. The Fundamental Statutes, which would be drawn up by Dalberg to govern the meetings of the confederation, should be completed by Dalberg and then examined by Bavaria before the treaty could be ratified. Talleyrand, following his master's orders, pressed Cetto to sign. Where diplomacy failed, duplicity succeeded. Emulating the style employed by Montgelas against Francis in 1805, the French refused to allow Cetto to speak with anyone and Gravenreuth, who was shuttling Cetto's messages to and from Bavaria, was told that the treaty was signed. By the time Gravenreuth discovered otherwise and hastened back to Paris with orders to delay, Cetto had given in.⁹ As Napoleon suspected, the other German states, none of which disliked the idea in theory but none of which were truly ready for a French-sponsored confederation, reluctantly followed Bavaria's lead.

July 12, 1806, Napoleon dissolved the Holy Roman Empire and with sixteen German princes formed the Confederation of the Rhine. Karl Dalberg became the Duke of Frankfort and the Prince-Primate (article I & II), Napoleon was named the

⁹Enno E. Kraehe, *Metternich's German Policy: Volume I: The Contest with Napoleon, 1799-1814*, (Princeton: Princeton University Press, 1963) 48.

"Protector" of the Confederation (article XII), and the many territorial squabbles came to an end. All present borders were to be maintained (article VI), and future changes would be dealt with by the three councils under Dalberg's leadership (articles XIII to XV). The royal titles given to Bavaria and Württemberg would remain (article V). The greatest responsibility would be the military commitment, which hinged on Article XXXV; war declared on France would be war upon them all. Bavaria's contribution to the 100,000-plus army was the largest, 30,000, though it will be seen their contribution greatly surpassed that number.¹⁰ Francis, left with no recourse, abdicated August 1, 1806. The Holy Roman Empire was no more.

It's replacment, the Confederation of the Rhine, was at heart an extension of Napoleon's war-making capacity, both a military buffer against Prussia and Austria and a willing ally in the blockade against Britain. The involvement of its members states, like the French satellites of Holland, Westphalia, the Grand Duchy of Warsaw, and the Kingdom of Italy, entailed much more than simple military obligations. Through his new nobility and bureaucracy, Napoleon was attempting to spread the ideas of the French Revolution to all the countries under his influence. Ideas such as

¹⁰Bourienne, Louis Antoine Fauvelet de, *Memoirs of Napoleon Bonaparte* (ed. by R.W. Phipps), (New York: Merrill and Baker, 1885); Sheehan, *German History*, 248-249; d'Arenberg, *Lesser Princes*, 144-146; Ramm, *Germany*, 61-62.

progress, equality, and "civilization" were injected into the governments of French-allied states. As Stuart Woolf notes, how to integrate such ideas into a political body was the central political problem of the Napoleonic Empire.¹¹ Because of her importance as Napoleon's largest sovereign ally, Bavaria enjoyed a degree of freedom from this integration; freedom, however, had its costs. Bavaria's reward for becoming the premier ally of the French Empire would be extensions of French "civilization": mandatory participation in the Continental System, a new army, and involvement in the 1809 and 1812 campaigns. Note that these measures are distinctly military; the Continental System was simply another element of the trade war against Napoleon's tenacious English antagonist. Domestic issues, such as the introduction of a bureaucracy based on merit, reform of education, and the destruction of the established order had already begun under Montgelas; no French initiative was needed. Of all the external impositions, the financial changes imparted by the Continental System were perhaps the most noteworthy and beneficial for Bavaria.

¹¹Woolf, *Napoleon's Integration of Europe*, vii. The French idea of "civilization" was distinctly Gallic, conceived by the French to indicate the level of perception in society. French leaders and thinkers felt that the ideas of the French Revolution would help to elevate the nature of German society. See Stuart Woolf, "French Civilization and Ethnicity in the Napoleonic Empire," *Past and Present*, vol 124, 1989, 96-97.

Prior to the Continental System's debut, Montgelas' ministries had done what it could to encourage fiscal growth. The problem was distressing. Karl Theodor had left the treasury bankrupt and a debt of over a million florins. Minister of Finance Hompesch spent much of his time trying to desperately salvage Bavaria's economy. Based on reports by the *polizeidirektor* Höck in 1807, Bavarian taxes raised 17 million florins annually. Probable yearly debits numbered 6.8 million florins, though this figure is uncertain. Including pensions, benefices, and the costs of rearing a new administration, the true amount was probably much higher. Many towns, in fulfilling their tax requirements, had to dip into future budgets. A French agent noted that Bamberg and Ansbach had used up their money for the next four years.¹²

Before his death in 1809 Hompesch diligently reorganized state finances. Proposing a plan inspired by the work of Colbert and Gaudin of France, Hompesch suggested a four part plan: the abolition of pecuniary privileges, the nationalization of tax control, the unification of land, and the centralization and consolidation of the debt. To this end Hompesch wanted to "re-introduce order into the manipulation of public moneys" and to refuse to invest in

¹²Dunan, *Napoleon et l'Allemagne*, 174.

anything unnecessary and non-utilitarian.¹³ Though his vision was admirable, his successes were limited. Hompesch cut the fat from royal spending, curtailing Max Joseph's extravagant habits. He kept tight control on the spending of the *Staatsconferenz* and new bureaus, though he had little jurisdiction over the smaller budgets of towns and cities. Hompesch also fixed the salaries for the civil service employees according to their occupation.¹⁴ Despite these successes, much more, especially concerning taxation, was needed.

Upon gaining direct control of finances in 1806, Montgelas applied great force to reorganizing. He further modified the finance ministry and its subordinate bureaus, streamlining them and assigning men of quality to important fiscal posts. In 1807 all internal tariffs were abolished.¹⁵ Compensation from secularization and land redistribution lessened the fiscal burden, but much of the problem remained in the outmoded tax system, which was not changed until 1808. Previously, taxes had been levied according to the *hofhuss* system of land assessment, a holdover from the Holy Roman Empire, based on the law of 1445. *Hofhuss* rates were levied based on the demands for ploughing of each

¹³Dunan, *Napoléon et l'Allemagne*, 180-181, 185.

¹⁴*Ibid.*, 87.

¹⁵Montgelas, *Compte Rendu*, 51; Ramm, *Germany*, 78-79.

agricultural field, measured by one peasant's average daily output. Because agriculture and population had changed little in the centuries since its conception, the *hofhuss* system remained in place. Montgelas' revolution demanded a better system to pay for the new army and to operate a modern kingdom. The units of land used in the *hofhuss* had been adjusted in 1803 to increase revenue, but the system was obsolete and had to be replaced.¹⁶

Montgelas' solution was a complete reorganization of taxation. New, geographically-contiguous areas were created. Called *rentbeamte*, their creation erased the ancient *pfleger* and did away with the *pflegerrichte* system of collecting taxes. The *rentbeamte*'s sole purpose was to function as tax divisions, not as provinces or counties. Taxes were to be collected based on the worth of the land, assessed by the members of the *Kreisfinanzdirektion*. Opposition from former *pfleger* and landed nobles delayed the complete installation of this system until June 21, 1808, when it was incorporated with the erection of fifteen formal political *kreise*, each with a "governor" to oversee taxation, laws and regulations, and the operation of the smaller administrative bureaus. In the interests of tradition and heritage, Max Joseph attempted to win the nobles by naming the *kreise* after local rivers and placing

¹⁶Lee, *Population Growth*, 112.

each "governor" in the largest city within each area. Though similar to the French system of prefectures, they were not an imitation and differed in terms of judicial jurisdiction and military commitments. They did not contain sub-prefects nor did they mirror the system of *arrondissement* and *baillis*.¹⁷ These simplifications were cleaning measures, designed to help the state economy function smoothly. However, Bavarian economy and its latent industrial base would truly grow only under the impact of Napoleon's Continental System.

The causes of the blockade of British goods are well documented. After Trafalgar, Napoleon was without a navy to challenge British dominance on the high seas. Therefore he resorted to a massive economic war, hoping to strangle the British into submission. Initiated with the Berlin Decree, November 21, 1806, Napoleon extended the system to all allied states, conquered provinces, and vanquished foes (Austria and Prussia) by three decrees in 1807. Woolf notes the importance of this action. By blockading all British goods and lowering her own tariffs to continental Europe, France inaugurated a new economic era, encouraging direct competition with her own markets, which were much less

¹⁷Montgelas, *Compte Rendu*, 41-42; Dunan, *Napoléon et l'Allemagne*, 81-83. Dunan lists the new state circles; Main, Pegnitz, Naab, Rezat, Altmühl, Upper Danube, Lech, Regen, Lower Danube, Isar, Salzach, Iller, Inn, Eisack, and Adige.

powerful than the dynamic British economy. Continental states could now sell their goods aggressively. In addition, by removing the generally despised British commercial participation, the blockade provided shelter for Germany's embryonic industrial base to grow and compete.¹⁸ The effects appeared quickly. One of Napoleon's ministers in Germany, Bacher, noted the changes.

The new direction which colonial goods take...is stated to have created such activity on all roads leading from different places in Russia and Prussia on one side and through Poland and Moravia to Vienna on the other, as also from the Turkish provinces to the Austrian empire with regards to British goods discharged in the Levantine Ports, that the Danube will take the place of the Rhine, as the channel through which the states of the Confederation of the Rhine will in future provide themselves. The German merchants consider that this...will lead to active new connections between Russia, Austria, and Bavaria, and consequently serve to create secure routes, which will convey not only colonial goods to the Rhine, but also British products, as far as the Confederation of the Rhine.¹⁹

Trade with the Kingdom of Italy became conspicuously important after the annexation of the Tyrol in 1806. Merchants conveying goods from the Orient (and, albeit covertly, from British colonies) entered ports along the Italian peninsula and negotiated the Alps through passes near Innsbruck. When Napoleonic strictures on foreign trade began to affect the Kingdom of Italy, they likewise began to

¹⁸Woolf, *Napoleon's Integration of Europe*, 28-29.

¹⁹T. Bacher to Napoleon, October 2, 1810, quoted in Eli F. Heckscher, *The Continental System: An Economic Interpretation*, (Oxford: The Clarendon Press, 1922) 231-232.

affect Bavaria. A treaty concluded between Bavaria and Italy, January 2, 1808, reduced tariffs between the two states by a full fifty percent. Upon learning of this treaty, Napoleon dissolved it, fearful of the competitive Bavarian wool-trade and of smuggled British goods entering Germany through the Italo-Bavarian trade routes. Woolf asserts this breakdown encouraged the Tyrolese Revolt of 1809-1810.²⁰

Napoleon's insistent imposition of this system upon allies and defeated foes alike led to a second, more important development for Bavaria. To humiliate and punish Austria for her unanticipated attack on France in the 1809 campaign, Napoleon detached the important province of Illyria and the port of Trieste from Hapsburg domains, isolating Austria and keeping her land-locked. From that time a fundamental shift in trade between France and Asia existed, most of the goods moving into Illyria by way of the Ottoman land routes. To formalize this policy, Napoleon

²⁰Woolf, *Napoleon's Integration of Europe*, 148. The Tyrolese revolt, led by the pious Catholic Andreas Hofer, coincided with Archduke Charles appeal to Germany in 1809 to join Austria in a "patriotic" war against France. The revolt, spurred by the disrupted Italian trade, by the secularization movement in Bavaria (Tyrol was heavily Catholic), by popular resistance to the draft, and by differences in nationality (Tyrolese were a proud "Gothic" mixture of Lombard and German), caused a great deal of humiliation for Max Joseph, especially when his army had such trouble dealing with it. When finally defeated, Hofer fled to Venice, where he was betrayed to the authorities. He was later executed. See Montgelas, *Denwürdigkeiten*, 198-204 and Rambaud, *L'Allemagne sous Napoléon Ier*, 308-330.

established a new trade route for goods from the Far East and the Levant (land-based because of French inability to control the Mediterranean Sea). No longer would important commerce from the Orient pass through Austria by way of the Danube valley. From November 12, 1810, goods were to be transported solely through the Turkish provinces of Serbia and Bosnia to Illyria and (for goods bound for Italy or Southern France) to Venice or (for goods bound for the Confederation of the Rhine, the Low Countries, or northern France) to Innsbruck in Bavarian annexed Tyrol.²¹

In combination with the religious toleration which allowed enterprising Protestants into Wittelsbach lands, the result was an essential growth in Bavarian commerce. Among the first to benefit from the reduction of the volume of British colonial goods was the sugarbeet trade.

Betteraveries, factories for producing beetsugar, sprang up all over Bavaria and southern Germany. Bavarian beetsugar rapidly and efficiently replaced colonial sugar throughout the Confederation. Tobacconists established cigar factories in major cities. The most important European commercial activity, textiles, grew tremendously in Bavaria, centered at Augsburg. Woolens had long been important to the local market; wool producers, uniting with cotton manufacturers, soon began to compete with major textile works in France.

²¹*Woolf Ibid.*, 153.

Ceramic production, led by John Hochgesang, became important for export throughout Central Europe.²²

The repercussions of the Continental System cannot be underestimated. It radically altered Bavarian industry and consequently her economy in ways that Montgelas, despite his zeal for reform, could never have accomplished. Bavaria began to produce goods not only for herself but also for export on a large scale.²³ Though the imposition of the Continental System's laws survived only as long as Napoleon, the long-term effect was the birth of modern Bavarian industry on a completely new scale. In the short-term, coupled with Protestant investment and administrative reform, the blossoming economy enabled Bavaria to comply with another important French demand, a larger, reorganized

²²Dunan, *Napoleon et l'Allemagne*, 290-296; Woolf, *Napoleon's Integration of Europe*, 145-147; Roger Dufraisse, *L'Influence de la Politique Economique Napoléonienne sur l'Economie des Etats du Rheinbund*, in Eberhard Weis and Elisabeth Müller-Luckner, *Reformen in Rheinbündischen Deutschland*, (Munich: R. Oldenbourg Verlag, 1984) 78-81, 85.

²³Bavaria was unable, however, to produce all the goods she needed. Many manufactured items, including steel (with all its products) and cheap cotton, could only be obtained through Great Britain. Because of such commercial needs, and because the blockade was nearly impossible to enforce throughout Europe, smuggling became a popular and prosperous occupation during the Napoleonic Era. See Woolf, *Napoleon's Integration of Europe*, 150-153 and particularly Roger Dufraisse, "La contrebande dans les départements réunis de la rive gauche du Rhin à l'époque napoléonienne," *Francia*, 1, 508-536. Dufraisse notes that some items, such as coffee from the West Indies, sold as high as 265% its common market price.

military, a requirement that would tax Bavaria's financial successes to the limit.

If the eighteenth-century army was a monarch's best expression of his royal might and prestige, it assuredly reflected poorly on the Bavaria of Karl Theodor. The beleaguered Bavarian treasury, stretched to the limits by Karl Theodor's extravagance and waste, had difficulty maintaining a force greater than 10,000 men.²⁴ Rank and file consisted of peasant levies, prisoners, a few mercenaries, and a few career soldiers, usually among the non-commissioned officers. The officers, of course, were nobles appointed by the elector, frequently without merit. Count Rumsford had enacted some reforms, namely doing away with the elegant uniforms, which in the eighteenth century were the gentlemanly measure of state honor. Rumsford distributed plain, single-piece white coats to reduce costs. He also introduced some new artillery pieces, called disparagingly "Rumsford 3-pounders."²⁵ In the Wars of the First and Second Coalitions, Bavaria's impotent position as a minor pawn relegated its ineffective army to support roles for much larger and more professional Austrian and Russian forces.

²⁴Montgelas, *Compte Rendu*, 147.

²⁵Haythornethwaite, *The Napoleonic Sourcebook*, 142-143.

Acting with his usual verve and heartily supported by Wrede, von Triva, and Crown Prince Ludwig, Montgelas sought to make the army capable of defending his new state. Though great fiscal exertions were required to pay for the muskets, horses, uniforms, and equipment, Montgelas succeeded in fielding a modernized army. Imitating the civil service requirements, officers were henceforth promoted or assigned on basis of meritorious service. Aware that these men lacked experience and *esprit de corps*, Max Joseph created in 1805 the Bavarian *l'école des Cadets*. Modeled on the French school at Saint-Cyr, Bavarian officers would go there for training, often by French instructors.²⁶ Keeping with the spirit of martial elegance during these years, the War Ministry issued new cornflower blue uniforms with red facings. Bavarian infantry wore a distinctive, high-crowned black leather shako known as a *raupenhelm*. Thus Bavarian foot soldiers were distinctive on the battlefield, virtually the only nation of the allied contingent of Napoleon's *Grande Armée* to forego adopting a French-cut uniform.²⁷

The field organization of the new army, however, was distinctly French. Max Joseph petitioned Napoleon for a French general to oversee the reorganization. Napoleon's envoy would be General Henri Bertrand, his later companion

²⁶Dunan, *Napoléonet l'Allemagne*, 90.

²⁷Haythornethwaite, *The Napoleonic Sourcebook*, 143-144.

on St. Helena. Bertrand arrived in 1805 and aided the Bavarian military with their reorganization, forming 57 battalions of infantry, 36 squadrons of cavalry, and 4 artillery batteries. All were organized into brigades, divisions, and corps on the French model so that they might be more easily integrated into the command and control structure of the *Grand Armée*.²⁸ It would remain for Montgelas to fill these battalions.

With little money to spare the Savoyard minister resorted to conscription. Previously, in the era of limited warfare prior to the advent of Napoleonic grand tactics and total war, European armies consisted mainly of soldiers recruited from the "dregs of society," inducted sometimes by volunteering, sometimes by compulsion, and sometimes by trickery.²⁹ French innovations during the revolution, namely mass conscription or *levee en masse*, revolutionized warfare. Consequently soldiers could be drafted in large numbers directly from the peasantry. It was a cheap system by which thousands of Frenchmen were herded into the ranks. Other European nations were slow to follow, their military leaders incapable at first of contemplating the fundamental change in warfare which had occurred and fearing the social impact

²⁸Montgelas, *Denwürdigkeiten*, 111-113; Dunan, *Napoléon et l'Allemagne*, 89; Woolf, *Napoleon's Integration of Europe*, 61-62.

²⁹J.F.C. Fuller, *The Conduct of War, 1789-1961*, (Minerva Press, 1968) 20.

of so many armed peasants. Eventually the need for large armies to oppose Napoleon overrode their fears.

Bavaria followed suit, out of a different necessity. The Confederation of the Rhine demanded a 30,000 man army from Max Joseph, the largest contingent of the league. In compliance, Montgelas initiated conscription, announced by electoral decree May 22, 1804. For this purpose Bavarian territory was divided into eleven military cantons. The police of each canton would be responsible for registering all men ages 16 to 40 for eligibility in the military, with certain exceptions. If drafted, each man would serve ten years.³⁰ Through this new system of recruitment, Montgelas surpassed the required 30,000 men, raising the number of Bavarian soldiers to over 60,000 for the 1809 Danube and 1812 Russian Campaigns.

Unused to such measures, the poor denounced the draft. With all the exceptions given to other classes, they were singled out for service. Such policy did not improve the popularity of the army. Trietschke's description of the fanfare and bravado among the ranks is not entirely

³⁰Montgelas, *Compte Rendu*, 148. Montgelas lists all groups with special exception, both in terms of eligibility and, if willing to serve, in length of service; nobles, clergymen (of all religions), bourgeoisie, artisans, mine workers, land-owners, Jews, and Mennonites. Exceptions were raised with the Austrian invasion of 1809 and the 1812 campaign; Woolf, *Napoleon's Integration of Europe*, 164.

accurate.³¹ The soldiers' disaffection would show in everyday military affairs. G.W.F. Hegel recounts "an honest townswoman recently assured everyone that, having had two Russians in her house, she would prefer six French to one such pig; on the other hand, she would prefer 3 Russians to any of the 44 volunteers recently supplied by her own city."³² Jerome Bonaparte, in command of Bavarian divisions in the 1807 and 1809 campaigns, complained once that many of their guards would fall asleep at night, resulting in large numbers of them being surprised and captured by enemy cavalry.³³ After the 1812 debacle, when over 30,000 young Bavarians died in the snows of Russia, public opinion turned sour against France. Nowhere was the change more clear than among the new, reconstituted Bavarian divisions which took the field in 1813. Napoleon wrote Max Joseph to this affect; "Je ne suis pas content de vos troupes; vous me dépensez beaucoup d'argent pour les bien équiper et elles désertent du soir au matin."³⁴

³¹Trietschke, *History of Germany*, I:417-418.

³²G.W.F. Hegel to Friedrich Niethammer, December 23, 1813, in G.W.F. Hegel, *Hegel: The Letters*, (trans. by Calrk Butler and Christiane Seiler), (Bloomington: Indiana University Press, 1984) 300.

³³Jerome Bonaparte, *Memoirs et correspondance du Roi Jerome et de la Reine Catherine*, 7 vols. (Paris:E. Dentu, 1861) II;65. Jerome frequently mentions the disorder of the Bavarian divisions. See II:57, 114, 142.

³⁴Comte Albert Beugnot, *Mémoires du Comte Beugnot*, 2 vols. (Paris:E. Dentu, 1866) II:4-5.

Nevertheless, on the battlefield itself the Bavarians performed admirably, on par with the excellent Württemberg and Italian divisions. Usually under the direct command of either the Crown Prince or *Feldmarschall* Wrede, Max Joseph's soldiers stood bravely under fire, advancing boldly against enemy positions. Bavarian divisions participated in all the major campaigns after 1807, serving with particular distinction on the bloody Marchfeld at the Battle of Wagram, July 5-6, 1809.³⁵ When studied for what it was, a commitment to France in return for "protection", the new army assumed its proper place in the general modernization of Bavaria.

II

Bavarian Domestic Changes during the Empire

Not all of the Napoleonic demands were as heavy as the military commitment. Certain elements of Imperial policy

³⁵For more see David G. Chandler, *The Campaigns of Napoleon*, (New York: The MacMillan Company, 1966) 728, and Owen Connelly, *Blundering to Glory: Napoleon's Military Campaigns*, (Wilmington:SR Books, 1987) 144-149. Chandler's account of the Battle of Hanau, October, 1813, in which Wrede prematurely attempted to block the retreat of the French after Leipzig, illustrates the fighting capacity of the Bavarians nicely. Though it may appear at first they were defeated by rag-tag divisions made up of pitiful survivors of the 1813 campaign, two things must be remembered; Napoleon's performance as a general was nothing short of brilliant during the post-Leipzig period, and the Bavarian divisions were also survivors of the bitter campaign. See Chandler, 937-938.

were merely guidelines which allied states could interpret as they wished. Religious issues were one of these areas. Bavaria's great degree of autonomy further weakened any Imperial policy; Napoleon placed little importance on Bavarian compliance with French religious policy. Thus, pursuant to the religious doctrine established by Montgelas' administration during the electoral years, the 1805-1812 period witnessed a continued zeal for toleration. For purposes of legitimacy and order the "reformation" was codified into law. In most states of the Napoleonic Empire, religion was frequently viewed solely in its political aspects; personal piety or local beliefs held little interest, especially for the military. Out of touch in many respects with the Catholic faith within France, Napoleon nonetheless attempted to mitigate the indignation Catholics felt toward the bitter days of the Revolution by signing the Concordat with the Pope. He instructed reformers in many states to move cautiously so as not to alienate the populace (the major exception, of course, being the military bureaucracy in Spain). On the whole, excepting the mandatory mediatization of the ecclesiastical estates demanded by Napoleon at the Treaty of Lunéville, French policy did not mirror the fervor for toleration in Bavaria.³⁶

³⁶Woolf, *Napoleon's Integration of Europe*, 206-215.

Where the Jews are concerned, however, Napoleon attempted to create uniform policy. Jews were considered by most Germans to be more of an ethnic problem than a religious one, and general European opinion was nearly always against them. Keeping with the policies of extending French "civilization" to the occupied and allied territories, Napoleon, himself somewhat anti-Semitic, issued a set of restrictions on the Jews, May 30, 1806. For a ten-year duration, Jews were to undergo scrutiny by French officials, restricting their ability to buy and sell, to worship, and limiting their places of residence. The goal of these restrictions was to assimilate Jews in French culture and to rid them of their "vices." Similarly to Bavaria, tests were administered to see which Jews were "useful" in the fields of finance and business. These would, of course, be granted limited exceptions.³⁷ For the most part, these laws only took effect in the satellite kingdoms and the annexed provinces. They did, however, set an acceptable tone for the remainder of the Empire.

Montgelas' administration continued to follow its own course on religious reformation. After shearing the temporal power of the Catholics, it set about tailoring its church-state policies. Restrictions on the power of the bishops were codified as time went on, specifically

³⁷Woolf, "French Civilization and Ethnicity," 116-118.

concerning civil and criminal cases, marriage and divorce, and education. As far as the Protestants were concerned, most of their freedoms had already been granted before Max Joseph's coronation as Bavaria's first king. The economic results have already been discussed. The reforms made the annexation of largely Protestant lands much easier and on the whole were being accepted well in Bavarian towns. The book censor Westenrieder wrote in January 1809 that there had been a great many Protestant funeral processions openly seen in the city, something that simply did not occur before 1799. The arrival of the Protestant nationalist Johann Gottlieb von Herder in the Upper Palatinate aroused considerable praise for the administration.³⁸

All the legislation, electoral and royal, issued on behalf of the Protestants and against the Catholics was codified by the first Organic Law, issued March 24, 1809. The edict enumerated all rights, public and private, religious and secular, established by all prior edicts. Lutheran, Calvinist, and Catholic churches were by law the only recognized forms of Christian faith. Their relations to one another were listed in detail. The Catholic church was further restricted, though this would be the final attack upon them; no longer could they receive income in any form (rents, taxes, or dues) derived from their

³⁸Higby, *The Religious Policy*, 136, 138.

ownership of remaining lands and estates; privileges, dispensations, immunities, exemptions, and benefices were all the purview of the state, not the Holy See or local bishopric; marriages would henceforth be regulated by the state though the ceremonies were to be administered by the churches; and all criminal crimes, even if involving only clergymen, would be tried by the royal courts.³⁹ All prior restrictions were enumerated and codified. The 1809 Organic Law was the penultimate act in the "Bavarian Refomation."

Jewish emancipation was the final religious issue dealt with by the Montgelas' government. Thanks in large part to Christopher von Aretin's benevolent appeals for universal emancipation, Jewish rights began to receive increased attention from the administration. Max Joseph allowed Aretin to publicly announce, September 6, 1809, that "we have resolved...upon the goal of leading back the numerous class of Jewish inhabitants of our kingdom from the harmful serpation in which they live apart from other citizens...." Though prejudice toward Jews remained too strong for full implemenation of Aretin's liberal ideas, royal legislation did grant many changes. On March 16, 1808, the *leibzoll*, the annual 20-florin per family tax administered only upon Jews, was formally lifted.⁴⁰ The first Organic Law in 1809

³⁹*Ibid.*, 131-132, 292; Montgelas, *Compte Rendu*, 124.

⁴⁰Montgelas, *Compte Rendu*, 139.

guaranteed their religious rights would not be subject to interference if kept private. It was not until the second Organic Law, June 10, 1813, that reforms on their behalf were formally codified.

The 1813 act established Jewish rights as citizens in respect to duties to state; concerning rights and privileges they were still only "partial" citizens. Their numbers were limited; no further immigration would be permitted. Their existence, though nominally no longer confined to ghettos, was restricted to their current residences. Marriage was only allowed if the Jewish population did not exceed present numbers and if the husband could support a family without resorting to "petty trades."⁴¹ These reforms would be the limit of Bavarian reforms on their behalf. Viewed as an ethnic anomaly by the Bavarian people, they were regarded with too much animosity to be allowed further freedoms. Herein can be seen a major limitation of Montgelas' reforms. His own moderate enthusiasm for Jewish emancipation was insufficient to overcome his fear of popular recriminations limited his amity toward the Jews. Indeed, had it not been for

⁴¹Montgelas, 140-141; Vedeler, "The Genesis of Toleration," 482-483; Higby, 145-147. Bavaria was among the only Confederation states to grant citizenship to the Jews, though by no means were Montgelas' reforms on the cutting edge of Jewish emancipation. Westphalia is an excellent example. See Helmut Berding, "L'Emancipation des juifs dans la Confederation du Rhin," *Revue de l'Institut Napoléon*, vol:139, 1982, 52-54.

Christopher von Aretin, much less might have been accomplished.

During this period education, no longer the sole domain of the church, underwent its own revolution, though not to great success. The clergy having been eliminated it still remained for the state to find a better substitute. Bavaria's approach to the subject was decidedly bourgeoisie, leaning heavily on higher education in an attempt to parallel the great German universities of the north. A great many noteworthy names were summoned or lured to Bavaria. Karl von Savigny arrived at the University of Landshut in 1808 to lecture on Roman law. Frederick Theirsch commanded one of Father Jahn's *gymansiums* in Munich, becoming a member of the Academy of Science in 1809, over which the enlightened F.H. Jacobi presided. Anselm von Feuerbach also taught at Landshut.⁴² These men lent great prestige to the upper echelon of Bavarian education.

Yet it was among the poor and middle class that education reform needed the greatest assistance. Friedrich Niethammer assumed the post of state commissioner of education, heading the *zentralsschulrat* under Montgelas' Ministry of the Interior. He and his good friend, the philosopher G.W.F. Hegel, who taught high school in the

⁴²Vedeler, "The Genesis of Toleration," 492ff63; C.W. Crawley, editor, *The New Cambridge Modern History; volume IX: War and Peace in an Age of Upheaval, 1793-1803*, (Cambridge: Cambridge University Press, 1965) 390.

newly acquired town of Bamberg, attempted to reform lower education in a progressive manner. On every level it seemed the state was against them. Other concerns drained the lifeblood of education, finances, and simply too little money was earmarked for local schools. Funds accumulated from the sale of church lands was supposed to go to the Central School Fund in Munich, but only 110,000 gulden made it that far, the rest being diverted toward other pressing needs.⁴³ Hegel voiced concern his discovery that:

...funding for the schools is thus also chronically deficient...the minute one requests something for it, the hue and cry goes out that the insufficiency is due to advances from the education fund to support the clergy. Immediate needs have been taken care of from available means...

The same letter also reveals that, despite Montgelas' sincere attempts to ensure the smooth operation of his new bureaucracy, at times the cogs jammed:

You will not have been exactly surprised at our dawdling in regard to the public school system, since you know in general that you have had to deal first with the people of Nuremburg, second with civil authorities and clergy, and third with people who for five years have grown accustomed to being inactive, who are surprised that something is indeed to be done.⁴⁴

Little headway was made. Ironically, it would be church-sponsored Sunday Schools, established primarily by

⁴³Lee, *Population Growth*, 346. Hegel believed the amount to be 300,000 florins, Hegel to Niethammer, August 29, 1807, *Hegel: The Letters*, 141.

⁴⁴Hegel to Niethammer, Easter Day, April 10, 1814, *Hegel: The Letters*, 303-304.

the Protestants, which would unintentionally help lower the illiteracy rate. These schools were intended as secondary education for boys between the ages of twelve and eighteen who wished to enter into trades.⁴⁵ In the course of the religious and professional training, these apprentices were taught to read and write. In all, Montgelas education reform was a failure. Too little funding and too much focus on embellishing the Academy of Science and the Universities left many Bavarians unable to read. Consequently crime, vagrancy, and begging continued to be great concerns.

In attempting to diminish these crimes, Montgelas court system failed on one major point: patrimonial, hereditary justice. Landowners, still favored by the backward system of feudal peasantry, continued to administer justice on their own terms. This victory was their greatest against Montgelas and they were not about to relinquish their rights. Crown funds were also inadequate to erect a definitive judicial system.⁴⁶ The groundbreaking work of the electoral period was completely renovated January 1, 1809, by the *Untergerichte*, a tribunal which included urban courts, seigneurial courts, the *appelationsgerichte* or appeal court, and, as the highest body, the *cour de cassation* which replaced the old appeal courts in Munich,

⁴⁵Lee, *Population Growth*, 343.

⁴⁶Klang, "Bavaria and the War of Liberation," 31.

Bamberg, and Ulm.⁴⁷ Though an expedient measure, the seigneurial courts in particular failed. The *Untergericht* never supplanted the the power of patrimonial justice.

The crowning achievement for Montgelas during this period of consolidation and codification was the Constitution of 1808. Roughly based on the constitution of Jerome Bonaparte's Westphalia, the Bavarian charter was not an altogether new document; rather, like most of the work done in these years, it was a codification and clarification. Many of the reforms during the electoral period grew out of unwritten proclamations or hasty edicts. It was time to regroup, to solidify the admirable workmanship of the first nine years. Other factors, too, made a constitution necessary. As in the case of justice, the nobles had recovered from their initial shock and were beginning to oppose reform more firmly. As was the general trend in European states during these years, the upper class was beginning its counter-assault, the reaction against revolution. To codify the laws would aid in weakening such an attack. A constitution would give the government a firm foundation from which to argue their point.⁴⁸ It would also help quell fears of radical revolution by giving a semblance

⁴⁷Dunan, *Napoléon et l'Allemagne*, 84.

⁴⁸John Breuilly, "State Building, Modernization, and Liberalism from the Late Eighteenth Century to Unification: German Peculiarities," *European History Quarterly*, Vol. 22, 1992, 265.

of order. Bavaria had not experienced a bloody revolution as France had, but the fear of Jacobin clubs and secret societies was common among both the bourgeoisie and the nobility. Therefore both the reformers and their opposition would benefit. There was more to come. In addition, fear of Dalberg's potential strength as "Prince-Primate" moved the Bavarians to proceed with the drafting of the first minor state constitution during the Napoleonic Wars. Dalberg had presented plans for a confederation-constitution. Max Joseph and Montgelas wanted no part of such political body.⁴⁹ The Constitution of 1808 was thus preemptive, showing that Bavaria could stand alone and did not need the confederation to legitimize her existence as a kingdom.

As with most of these reforms, the Constitution of 1808 was at first a royal edict issued May 1, 1808, later published May 25.⁵⁰ It firmly established Max Joseph as an enlightened despot. In the interests of democracy and the rights of man it was declared that all Bavarian citizens were guaranteed freedom of conscience and security of person and property. The Constitution was, however, democratic only in theory. Franchise was extended only to those nobles

⁴⁹*Ibid.*, 266; Karl Möckl, "Die bayerische Konstitution von 1808," in Weis and Müller-Luckner, *Reformen im rheinbündischen Deutschland*, 151-166; Kraehe, *Metternich's German Policy*, I:60.

⁵⁰Montgelas, *Compte Rendu*, 69; Möckl, "Die bayerische Konstitution von 1808," 153.

and bourgeois landowners paying the highest taxes, chosen as electors for life by the king. They would elect members from each administrative *kreise* to sit with representatives hand-picked by the "governors" in a unicameral legislature. Each "representative" would serve a six-year term. This body could enact legislation which was always subject to scrutiny by the king and his ministers. Mostly, like the *conseil d'etat* before it, debate was their primary concern, concentrating on the budget and finances. Max Joseph could assemble, dismiss, or dissolve the body at will.⁵¹

Uniformity, centralization, and codification were the key points. All prior legislation concerning conscription, draft exemptions, taxation, administrative *kreise*, the *staatskonferenz*, *conseil d'etat*, and *generallandesdirektion* were made permanent. The ministries of finance, foreign affairs, and the interior were to be reorganized into distinct bureaus, each with one head, responsible for all activities of his section. All privileges, noble and clerical, were formally abolished, as were the Imperial estates to which they formerly belonged. The judiciary was made independant of the legislature and not subject to its direction, though it was responsible to the king and the *staatskonferenz*. Each judge was to be named by the current monarch and were responsible to direct the police in

⁵¹Montgelas, *Compte Rendu*, 73.

arrests, fines, and prison terms. The Constitution established for the royal succession, coming of age, and marriage of royal family members. Freedom of the press was also declared. All were subject to "la prérogative royale."⁵²

Bavaria's first constitution was a sincere, somewhat awkward effort to reach the upper classes disrupted by nine years of rapid reorganization. "Allerdings hatte sie im Unterschied zur Konstitution von 1808 weniger den Charakter der Erneuerung als den des Ausgleichs," writes Karl Möckl.⁵³ It did nothing, however, to truly emancipate the agrarian peasants still languishing under feudal bonds. It also failed to institute a firm penal code; this would remain a problem until Anselm Feuerbach wrote a workable system in 1813.⁵⁴ In time, demands of the resurgent and victorious allies would call for the resignation of Montgelas as incompatible with the reaction against reform and rationalism. It would simultaneously require a new constitution in 1818 to preserve Bavaria's existence in the reactionary Metternich order. For the Napoleonic empire, however, it was an honest attempt at enlightened rule.

⁵²Montgelas, *Compte Rendu*, 70-75.

⁵³Möckl, "Die bayerische Konstitution von 1808," 166.

⁵⁴Ramm, *Germany*, 77.

By 1812 the revolution was complete. What did it accomplish? It was not the "total revolution" declared by Anselm Feuerbach; in some areas it fell far short of its goals. In many respects, Montgelas' goal was outmoded before it was finished, for the time of the absolute monarch in Europe was at an end. The disillusionment of Feuerbach and others from the allure of the French Empire, accelerated by the 1812 debacle, represented a fundamental change that would result, within a year, in Max Joseph's revolt from the Napoleonic hegemony. An analysis of Montgelas' program in long-term European history will reveal a great deal about its importance and its faults.

Conclusion

As Napoleon's rise had aided Montgelas in the realization of his plans, so was the Savoyard minister's destiny interwoven with the fall of the French conqueror. After the 1812 debacle, when over 30,000 young Bavarians died in the snows of Russia, public opinion turned against France. Max Joseph's support, also so very crucial to Montgelas, began to waver. He saw that Napoleon was not invincible. The tide which had been continually washing out of France since 1796 began to turn.

I

The End of the Napoleonic Hegemony

Much has been said of the so-called War of Liberation that ensued. The 1813 campaign with its titanic culmination at Leipzig has been hailed by Treitschke and others as the awakening of the German spirit. Philosophers and historians alike debated the influence of Fichte, Herder, Müller and others. Some, like Hans Kohn and Freiderick Meinecke, have developed their theories on nationalism around the words of such men, proclaiming that it was the work of Fichte and Goethe that caused Germany to suddenly (and consciously) realize its possible future.¹ But all in all it was

¹Hans Kohn's detailed works on nationalism during this period are constantly skewed by his desire to make something

political reality and not the fervor of the masses that led Max Joseph and the other monarchs of the Confederation of the Rhine to defect to the allies as surely as they had joined France in 1805.

Napoleon's fall revealed the Confederation as the paper tiger it truly was. German fervor for French ideology had long since lost its initial luster; during the spring of 1813 it was becoming clear that an annulment of the Franco-Bavarian alliance was in sight. The people began to murmur that the price paid in Bavarian lives for French "protection" was far too high. Indeed, the newly reconstituted Bavarian divisions which rejoined Napoleon in March and April exhibited much less zeal than their predecessors.

Montgelas' own position within the government was becoming tenuous. General von Wrede, never a supporter of Napoleon, began to advocate negotiation with Prussia and

out of nothing. It is fairly obvious from contemporary accounts that the philosophers and romantics of the preceding twenty years had a much smaller effect than Kohn would like to admit. Nonetheless, his works are an insightful study into the ideas of Fichte, Herder, the brothers Schlegel, and others. See Hans Kohn, *Prelude to Nation-states: The French and German Experience, 1789-1815*, (Princeton: D. Van Nostrand Company, Inc.) 1967; Hughes, *Nationalism and Society: Germany 1800-1945*, 1988, and Freidrich Meinecke, *The Age of German Liberalism, 1795-1815*, (Berkeley: University of California Press) 1957. For an excellent and oft-overlooked refutation of the Kohn and Meinecke theses, see Robert M. Berdahl, "New Thoughts on German Nationalism," *American Historical Review*, vol. 77, no. 1, 1972, pp. 65-80. Berdahl attacks the idea of German intellectual culture forming national consciousness in the absence of real, political action.

Russia, joined later that summer by a resurgent Austria. Montgelas, however, was unsure that path was the correct one. His memoirs fall silent on this point; it is difficult to ascertain whether Montgelas was acting in the hopes of simple political survival or for the welfare of the state. He believed, as did most of his supporters, that the return of Austrian power would spell disaster for his reforms. Never as popular as his sovereign, Montgelas suffered under the attacks of his detractors, particularly from the exiled embezzler Karl von Reisach, who, under the approving eye of Baron Stein penned a vehement pamphlet condemning the new aristocracy in Munich.² This vituperation struck a chord with the landed gentry and former *reichsritterschaft*, ever anxious to hamper Montgelas in any way. As the summer wore on and Napoleon failed to achieve the decisive "thunderclap," Wrede and others increasingly called on Max Joseph to sever the Gallic ties and return to an understanding with Austria. Early in October, while Montgelas hesitated and fretted in Munich, Wrede forced the king's hand and the Bavarian troops received orders to join the Allies. Max Joseph had come to terms with the Prussian minister Hardenberg, who had agreed to allow Bavaria to retain her possessions. The threat of Austrian invasion, real or imagined, had been too great to ignore. Just as

²Klang, *Bavaria and the War of Liberation*, 30.

with its conception, the Confederation of the Rhine lived or died not by the will of Bonaparte alone, but with the loyalty of the Bavarian crown. At the time of the "Battle of the Nations," at Leipzig, October 16-18, 1813, only Saxony remained a French satellite, the other states having made separate agreements with the Allies.

It seems that the decision to defect was taken by those in the highest levels of government, in the court and palace, in the *conseil d'etat* and the provincial bureaus. As they had so often proved in the years since Max Joseph's accession, the commoners of Bavaria remained on the whole impassive bystanders. There had been no popular outcry for reform in 1799; it had been directed by and desired wholly by the upper middle class. The same could be said of 1813; the movement had come mostly from above. Despite what Treitschke and others would believe, there was no popular outcry. The prolific Hegel remarked when the "liberators" passed by "...if *par hasard* there are any liberated individuals to be seen, I myself will stand up and watch!"³ Reaction ranged from moderation to coolness.

The next years saw Bavaria survive, due more to Prussian fear of a Austria than to the power of the Wittelsbach throne. Montgelas, however, did not long survive. His cool reception of the "liberators" was known

³Hegel, *The Letters*, 291.

throughout the country, and after 1814 the men who aided in the defection of Bavaria were most in favor. The pressures became too much; with the best of his ministers dead and his unofficial French patron overthrown, Montgelas remaining time was short. In 1817, claiming ill-health, he resigned from his position, though he remained an inactive advisor to his friend the king for several years. The following year, 1818, marked the passage of Bavaria's second constitution, the first liberal constitution in Germany, granting a measure of democracy, including popular elections and rights for peasants, freedoms that Montgelas' codification of 1808 never even envisioned.

II

Bavaria and the Napoleonic Empire

European historians have labelled the German states during the Napoleonic era as "victims." That label holds true particularly in the loss of young lives on the battlefield, lost in wars their sovereigns had no choice but to join.

Bavaria's case is different. Though she had little say in the greater sphere of European politics, her large size and considerable population gave her leverage in the struggle. States such as Kleves-Berg or Hesse-Darmstadt had meager resources, and thus their victimization gained them

nothing. In the end, these states lost the paltry independence their scarce resources gave them, consumed in the Germany of the early 19th Century, dominated by growing Prussia and waning Austria. But Bavaria's assets meant her ruler could negotiate the terms of his service, a fact that is overlooked in many histories of the period. Napoleon needed a Bavarian corps in his army, but Max Joseph benefited more from this arrangement; when the Austrians returned in 1813, he now had a sizable, organized military force the Hapsburgs could ill afford to fight. It must not be overemphasized, but Bavaria's new-found military strength played a definite role in her survival during the Age of Metternich.

Likewise, the Bavaria of Napoleonic Europe finally entered the industrial age. Along with the rest of Germany, Bavarian industry flourished in the next decades. The pre-conditions for this explosion exist in Montgelas' reform of the bureaucratic and social systems of the state, allowing for the immigration of Protestant entrepreneurs and removing the boundaries to economic growth. Napoleon's Anglophobic trade war fueled the initial drive, forcing the Bavarian industry into competition with the other German states and Northern Italy, and, with her large pool of unemployed manpower and larger resources to draw upon, Bavaria was able to turn Britain's short-term exclusion from the Rhine and Danube into its gain.

The question remains; to whom does the credit go? Certainly it has been made clear that the conditions for reform existed before Austria's debacle at Ulm in 1805, which brought the French to Munich to stay for some time. But it is also apparent that without the protective umbrella of French power Bavaria could not have stood up to the *Reich*. Without the dismantling of the entangling obligations and authority of the Holy Roman Empire, Montgelas could not have consolidated his lord's holdings and reunited isolated Bavarian possessions. It is not too bold to state that without the ideas of the French Revolution, Bavaria could not have moved in the direction it did. The reactionary policy taken by Max Joseph smiled favorably upon the small kingdom.

Bavaria's story also does much to refute the role of nationalism during these years. To many citizens of Munich, Ulm, and Augsburg, Bavaria was the only Germany they ever knew--as illustrated in the conversation between a father and his liberal son in the poet Heinrich von Kleist's *Germania*.

"Tell me child, who are you?"

"A German."

"A German? You are joking. You were born in Meissen, and the country to which Meissen belongs is called Saxony!"

"I was born in Meissen and the country to which Meissen belongs is called Saxony, but my fatherland, the country to which Saxony belongs, is Germany, and your son, my father, is a German."

"You dream. I do not know any country to which Saxony belongs, unless perhaps the Rhenish

Confederation. Where can I find this Germany of which you talk; where is it situated?"⁴

The "revolution" in Bavaria was a decidedly bourgeois event. In general, the populace displayed an overly passive response to Montgelas' reforms, exhibiting little of the fervor described by German nationalist historians of the later 19th Century. Since this is so, the men who led Bavaria into the French hegemony and then those who helped lead it back into the allied camp were upper middle class, the 19th-Century *novus homo* of the German states. Most of the intellectuals whom Treitschke and others credited with leading the patriotic drive toward unity did not appeal to the Bavarian reformers. Fichte, considered to be weak on history and economy, believed international trade was dangerous and entangling, to be avoided until the state had completely exploited its own resources.⁵ Friedrich Schlegel's cultural nationalism was completely unconcerned with the concept of state, central to Montgelas' ideas.⁶ And one of the foremost of the Romantic political philosophers, Adam Müller rejected capitalism altogether as antisocial and unethical, unequivocally rejecting all

⁴Heinrich von Kleist, *Germania*, translated in Kohn, *Prelude to Nation-States*, 197.

⁵H.T. Betteridge, "Fichte's Political Ideas: A Retrospect," *German Life and Letters*, vol. I, 1936-1937, 295.

⁶Kohn, *Prelude to Nation-States*, 180-181.

reformers who wanted to throw away traditions such as those embodied by the *Reich*. If indeed the measure of Bavaria's nationalism lies in the hearts of the new leaders of the southern German state, then the intellectuals of the early century certainly shared little of their traits.

Bavaria's revolution, then, belongs to Bavaria alone. Credit for the change can not only be given to Napoleon, who tore away the phantom chains of the Holy Roman Empire, but also to Montgelas and Max Joseph, the former for being a man of vision and energy and the other for having the good fortune of being a man with extraordinary political luck. Standing alone, in its most restricted sense, their story epitomizes the nature of change coming not only in Munich but in Vienna, Berlin, and all the German capitals. In a much larger scope, it is an oft-overlooked part of Germany's history in the early 19th-Century and deserves to be explored, not as a footnote to the rise of the unified German state or as a minor satellite of the vast Napoleonic dynasty but as an interesting and illuminating glimpse into the fundamental changes that would help to lead Germany into the modern world.

BIBLIOGRAPHY

PRIMARY SOURCES

PUBLISHED WORKS

Beugnot, le comte Albert. *Mémoires du Comte Beugnot*. Paris: E. Dentu, 1866.

Bonaparte, Jerome. *Memoirs et correspondance du Roi Jerome et de la Reine Catherine*, 7 vols. Paris: Librairie de la société des gens de lettres, 1861.

Bonaparte, Napoleon. *Correspondances de Napoléon Ier*. Paris: Henri Plon, 1868.

Bourienne, Louis Antoine Fauvelet de. *Memoirs of Napoleon Bonaparte* (ed. by R.W. Phipps). New York: Merrill and Baker, 1885.

Fain, Baron P. *Mémoires du Baron Fain*. Paris: Librairie Plon, 1909.

Gourgaud, General Baron Henri. *Talks of Napoleon at St. Helena* (translated by Elizabeth Wormeley Latimer). Chicago: A.C. McClurg & Co., 1904.

Hall, Henry Foljambe (trans. & ed.) *Napoleon's Letters to Josephine, 1796-1812*. New York: E.P. Dutton & Co., 1901.

Hegel, G.W.F. *Hegel: The Letters* (trans. by Clark Butler and Christiane Seiler). Bloomington: Indiana University Press, 1984.

- Kircheisen, F.M. (ed.) *Memoirs of Napoleon I: Compiled from his own Writings* (trans. by Frederick Collins). New York: Duffield & Co., 1929.
- Méneval, Claude Francois, Baron de. *Memoirs illustrating the History of Napoleon I from 1802 to 1815* (ed. by Baron Napoleon Joseph de Méneval), 3 vols. New York: Appleton and Company, 1894.
- Metternich-Winneburg, Clemens Lothar Wenzel, Fürst von. *Memoirs of Prince Metternich, 1773-1815*, (ed. by Prince Richard Metternich, trans. by Alexander Napier) 2 vols. New York: Howard Fertig, 1970.
- Montgelas, Maximillian Joseph Grafen von. *Denwürdigkeiten des Bayerischen staatsministers Maximilian Grafen von Montgelas, 1799-1817*. Stuttgart: Verlag der J.G. Cotta'schen buchhandlung, 1887.
- . *Denwürdigkeiten des Grafen Maximilian Joseph von Montgelas über die innere Staatsverwaltung Bayerns (1799-1817)* (In French as *Compte Rendu*). Munich: C.H. Beck'sche Verlagsbuchhandlung, 1908.
- Rössler, Helmuth. *Graf Johann Philipp Stadion, Napoleons deutsches Gegenspieler*. Vienna and Munich: Verlag Herold, 1966.
- Schwarzenberg, Karl Fürst. *Feldmarschall Fürst Schwarzenberg, Der Sieger von Leipzig*. Vienna and Munich: Verlag Herold, 1964.

Talleyrand-Perigord, C.M. *Memoirs of C.M. Talleyrand de Perigord*, (The Fontainebleu edition) vol. II. New York: The International Library Society, 1900.

SECONDARY SOURCES

Atkinson, C.T. *A History of Germany, 1715-1815*. New York: Barnes & Noble, 1969.

Bernard, Jack F. *Talleyrand: A Biography*. New York: G.P. Putnam's Sons, 1973.

Bernard, Paul B. *Joseph II and Bavaria: Two 18th-Century Attempts at German Unification*. The Hague: Martinus Nijhoff, 1965.

Brunner, Otto. *Land and Lordship: Structure of Government in Medieval Austria*, 4th edition. (trans. from *Land und Herrschaft* by H. Kaminsky and James V.H. Melton). Philadelphia: University of Philadelphia Press, 1984.

Bruun, Marcel. *Europe vs. the French Imperium, 1799-1814*, (Rise of Modern Europe Series). New York and London: Harper & Bros. Publishers, 1938.

Chandler, David G. *The Campaigns of Napoleon*. New York: The MacMillan Co., 1966.

Connelly, Owen. *Blundering to Glory: Napoleon's Military Campaigns*. Wilmington: S.R. Books, 1987.

Crawley, C. (ed.) *The New Cambridge Modern History: Vol. IX: War and Peace in an Age of Upheaval, 1793-1803*. Cambridge: Cambridge University Press, 1965.

- d'Arenberg, Jean. *The Lesser Princes of the Holy Roman Empire in the Napoleonic Era*. Washington: Georgetown University Press, 1950.
- Deffontaines, Pierre (ed.) *Larousse Encyclopedia of World Geography*. New York: Odyssey Press, 1964.
- Deutsch, Harold C. *The Genesis of Napoleonic Imperialism*. Cambridge: Harvard University Press, 1938.
- Dunan, Marcel. *Napoléon et l'Allemagne: Le Système Continental et les débuts du royaume de Bavière, 1806-1810*. Paris, Librairie Plon Imprimeurs-éditeurs, 1942.
- Eksteins, Moses and Hildegard Hammerschmidt. *Nineteenth-Century Germany: A Symposium*. Tübingen: Gunter Narr Verlag, 1983.
- Epstein, Klaus. *The Genesis of German Conservatism*. Princeton: Princeton University Press, 1975.
- Fisher, Herbert A.L. *Studies in Napoleonic Statesmanship: Germany*. Oxford: Clarendon Press, 1903.
- Fuller, J.F.C. *The Conduct of War, 1789-1961*. New York: Minerva Press, 1968.
- Gagliardo, John. *Reich and Nation: The Holy Roman Empire as Idea and Reality, 1763-1806*. Bloomington: Indiana University Press, 1980.
- Heckscher, Eli F. *The Continental System: An Economic Interpretation*. Oxford: The Clarendon Press, 1922.
- Higby, Chester Penn. *The Religious Policy of the Bavarian Government during the Napoleonic Period*. New York:

- AMS Press, 1967.
- Holborn, Hajo. *A History of Modern Germany, 1648-1840*. New York: Alfred A. Knopf, 1966.
- Hughes, Michael. *Nationalism and Society: Germany, 1800-1945*. London: Edward Arnold, 1988.
- Kohn, Hans. *Prelude to Nation-States: The French and German Experience, 1789-1815*. Princeton: D. Van Nostrand Company, Inc. 1967.
- *The Idea of Nationalism: A Study of Its Origins and Background*. New York: MacMillan Co., 1944.
- Kraehe, Enno E. *Metternich's German Policy: Volume I: The Contest With Napoleon, 1799-1814*. Princeton: Princeton University Press, 1963.
- Lee, W.R. *Population Growth, Economic Development, and Social Change in Bavaria, 1750-1850*. New York: Arno Press, 1977.
- Meinecke, Friedrich. *The Age of German Liberalism, 1795-1815* (trans by Peter Paret). Berkeley: University of California Press, 1957.
- Palmer, R.R. *The World of the French Revolution*. New York: Harper & Row, 1971.
- Pange, Jean de. *L'Allemagne depuis la révolution française, 1789-1945*. Paris: Librairie Arthenie Fayard, 1947.
- Plongeron, Bernard (ed.) *Pratiques Religieuses, Mentalités et Spiritualités dans l'Europe Révolutionnaire, 1770-1820*. Turnhout: Brepolis-Baron de Fourstraat, 1988.

- Rimbaud, Alfred. *La Domination Française en Allemagne; L'Allemagne sous Napoléon Ier, 1804-1811*. Paris: Librairie Académique Dider, 1897.
- Ramm, Agatha. *Germany, 1789-1919: A Political History*. London: Methuen & Co., 1967.
- Sheehan, James J. *German History, 1770-1866*. New York: Oxford University Press, 1989.
- Smith, Clifford Thorpe. *An Historical Geography of Western Europe Before 1900*. New York: Longman, 1978.
- Thompson, J.M. *Napoleon Bonaparte*. Oxford: Basil Blackwell, Inc., 1988.
- Treitschke, Heinrich von. *History of Germany in the 19th Century*, vol. I. New York: AMS Press, 1968.
- Weis, Eberhard. *Montgelas, 1759-1799: Zwischen Revolution und Reform*. München: C.H. Beck'sche Verlagsbuchhandlung, 1971.
- Wolff, Stuart. *Napoleon's Integration of Europe*. New York: Routledge, 1991.

ARTICLES

- Berdahl, Robert M. "New Thoughts on German Nationalism," *American Historical Review*, vol. 77, no. 1, February 1972.
- Berding, Helmut. "L'Emancipation des Juifs dans La Confederation du Rhin," *Revue de l'Institut Napoléon*,

vol. 139, 1982.

Betteridge, H.T. "Fichte's Political Ideas: A Retrospect,"
German Life and Letters, vol. I, 1936-1937.

Breuilly, John. "State-building, Modernization, and
 Liberalism from the Late 18th Century to Unification:
 German Peculiarities," *European History Quarterly*,
 vol. 22, 1992.

Duffraisie, Roger. "La contraband dans les départements
 réunis de la rive gauche du Rhin à l'époque
 napoléonienne," *Francia*, 1, 508-536.

----- . "Les Notables de la Rive Gauche du Rhin a
 l'époque Napoléonienne," *Annales Historiques de la
 Révolution Française*, vol. 42, no. 3, 1970.

Easton, J.C. "Charles Theodore of Bavaria and Count
 Rumsford," *Journal of Modern History*, vol. 12, 1940.

Klang, Daniel. "Bavaria and the War of Liberation, 1813-
 1814." *French Historical Studies*, vol. 4, 1965.

Vedeler, Harold C. "The Genesis of the Toleration Reforms
 in Bavaria under Montgelas," *The Journal of Modern
 History*, vol. X, no. 4, December, 1938.

Wolff, Stuart. "French Civilization and Ethnicity in the
 Napoleonic Empire," *Past and Present*, vol. 124, 1989.